

EMERGENCY

STATE OF CALIFORNIA - OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
		90-0813-014		

For use by Office of Administrative Law (OAL) only

1990 AUG 13 AM 9 18

OFFICE OF
ADMINISTRATIVE LAW

**ENDORSED
APPROVED FOR FILING**

AUG 17 1990

Office of Administrative Law

<p>AGENCY</p> <p>State Department of Social Services</p>	<p>AGENCY FILE NUMBER (if any)</p> <p>RDB# 0690-26</p>
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FILED
In this office of the Secretary of State
of the State of California

AUG 17 1990
At 3:23 o'clock P.M.
MARCH FONG EU, Secretary of State
By Linda S. McMahon
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified	<input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT	63-090
	AMEND	63-301.631, .632, .724, .73, and .74; 63-801.2, .21, .22, and .312; and 63-802.12
TITLE(S)	REPEAL	
MPP		

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)
 ☐ Resubmittal
 ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
 ☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only
 ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State
 ☐ Effective on filing with Secretary of State
 ☒ Effective other (Specify) 09/01/1990

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399)
 ☐ Fair Political Practices Commission
 ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

Rosalie Clark, Chief, Regulations Development Bureau

TELEPHONE NUMBER

445-0313

7. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Linda S. McMahon

DATE

7-27-90

TYPED NAME AND TITLE OF SIGNATORY

Linda S. McMahon, Director, State Department of Social Services

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 7-90) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READoption

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

63-090 IMPLEMENTATION OF CATEGORICAL ELIGIBILITY - 63-090
FINAL PROVISIONS

Authority Cited: Sections 10554 and 18904, Welfare and Insitutitons Code.

1

Amend Sections 63-301.631(a) and (b) to read:

63-301 APPLICATION PROCESSING TIME STANDARDS
(Continued)

63-301

.631 In order to determine if a household will be eligible due to its status as a recipient PA household, the CWD shall be permitted to postpone the food stamp eligibility determination within the 30-day processing standard if the household is not entitled to expedited service and appears to be categorically eligible.

(a) If the PA determination is made within the 30-day processing standard and the household is considered categorically eligible as specified in Section 63-301.7, the CWD shall provide food stamp benefits for the initial month from the date of the food stamp application.

(1) Benefits shall not be provided for any month in which a household is determined ineligible for receipt of PA benefits, unless the household is eligible to participate as a nonassistance (NA) case.

(b) If the PA determination of eligibility is not made by the 30th day, the CWD shall process the application as a ~~Nonassistance~~ /NA/ case using all food stamp eligibility and benefit criteria. However, the CWD shall not deny a potentially categorically eligible household until the 30th day.
(Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.2(j)(1)(iv).

Amend Sections 63-301.632(a) and (b) to read:

63-301 APPLICATION PROCESSING TIME STANDARDS
(Continued)

63-301

.632 If any potentially categorically eligible household is denied and later determined eligible to receive PA benefits, the CWD shall provide food stamp benefits using the original application and any other pertinent information occurring subsequent to that application.

(a) The CWD shall not reinterview the household but shall:

(1) Use any available information to update the application; and/or

(2) Contact the household or authorized representative by mail or make telephone contact with the household or authorized representative to explain and confirm changes made by the CWD and to determine if any other changes in circumstances have occurred.

(b) Any changes shall be initialled and the updated application re-signed by the authorized household member or authorized representative. If any information obtained from the household differs from that which the CWD obtained from available information or the household provided additional changes in information, the CWD shall arrange for the household or its authorized representative to:

(1) Initial all changes;

(2) Re-sign and date the updated application; and

(3) Provide necessary verification.
(Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.2(j)(1)(iv).

Amend Section 63-301.724 to read:

63-301 APPLICATION PROCESSING TIME STANDARDS
(Continued)

63-301

.72 When determining whether a household is to be considered categorically eligible, the CWD shall verify the following factors, only when questionable, as specified in Section 63-300.53.

.721 through .723 (Continued)

.724 The household has not been disqualified or does not include persons who have been disqualified as specified in Section 63-301.73.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.2(j)(2)(iii).

Amend Sections 63-301.73, .731, .732, .733, and .734 to read:

63-301 APPLICATION PROCESSING TIME STANDARDS
(Continued)

63-301

.73 The following households shall not be considered categorically eligible and are subject to all food stamp eligibility and benefits provisions if any member of that household:

.731 Any household member is currently disqualified for an intentional Program violation as specified in accordance with Section 63-805;

.732 The household fails to comply with the monthly reporting requirements specified elsewhere in Sections 63-504.32, 505.2, .3, and .4; or

.733 The entire household is disqualified because the principal work registrant failed to comply with the work requirements as specified in accordance with Section 63-407.4; or

.734 The entire household is disqualified because one or more of its members failed to comply with the requirements of the optional Food Stamp Workfare Program specified in Section 63-407.91.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.2(j)(2)(iii).

Amend Sections 63-301.745 and .746 to read:

63-301 APPLICATION PROCESSING TIME STANDARDS
(Continued)

63-301

.74 The following persons shall not affect the eligibility of an otherwise categorically eligible household:

.741 through .744 (Continued)

.745 Persons institutionalized in an unauthorized facility as defined in Section 63-402.4/i or

.746 Household members, other than the principal work registrant, who are disqualified for failure to comply with work requirements as specified in Section 63-407.4.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.2(j)(2)(iii).

Amend Sections 63-801.2 and .21 to read:

63-801 CLAIMS AGAINST HOUSEHOLDS (Continued)

63-801

.2 Types of Claims

The CWD shall categorize and account for all claims against households as inadvertent household error claims, administrative error claims/ or intentional Program violation claims.

.21 Inadvertent Household Error Claims

.211 A claim shall be handled as an inadvertent household error claim if the overissuance was caused by a misunderstanding or unintended error on the part of the household or the sponsor of an alien household. This shall also apply to such errors made by categorically eligible households, provided the claim can be calculated based on a change in net income and/or household size.

.212 Instances of inadvertent household error which may result in a claim include, but are not limited to the following:

/211(a) (Continued)

/212(b) (Continued)

/213(c) (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.18(a)(1)(ii).

Amend Sections 63-801.221 and .222 to read:

63-801 CLAIMS AGAINST HOUSEHOLDS (Continued)

63-801

.22 Administrative Error Claims

.221 A claim shall be handled as an administrative error claim if the overissuance was caused by the action or inaction of any CWD agency administering the Food Stamp Program. This shall also apply to categorically eligible households only when the CWD incorrectly determined the household's net income and/or household size resulting in the inappropriate determination of eligibility for federal AFDC.

.222 Instances of administrative error which may result in a claim include, but are not limited to the following:

/221(a) (Continued)

/222(b) (Continued)

/223(c) (Continued)

/224(d) (Continued)

/225(e) (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.18(a)(2).

Amend Sections 63-801.312(a) and (b) to read:

63-801 CLAIMS AGAINST HOUSEHOLDS (Continued)

63-801

.31 Calculating the Amount of Claims

.311 (Continued)

.312 If the household received a larger allotment than it was entitled to receive, the CWD shall establish a claim against the household equal to the difference between the allotment the household received and the allotment the household should have received.

(a) For categorically eligible households, a claim shall be determined only when the amount of the overissuance can be calculated on the basis of the household's net income and/or household size.

(b) /For further action required when the overissuance is discovered for a month or months in which any member has already performed a workfare or work component requirement, see Section 63-407.89./

.313 (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.18(c)(1)(ii).

Amend Section 63-802.12 to read

63-802 RESTORATION OF LOST BENEFITS

63-802

.1 Entitlement

.11 (Continued)

.12 Unless a longer period of time is specified elsewhere in regulations, lost benefits shall be restored for not more than 12 months prior to the earlier of the following dates:

.121 (Continued)

.122 (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.17(a)(1).

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In this office of the Secretary of State
of the State of California

AUG 17 1990

At 323 o'clock P.M.

MARCH FONG EU, Secretary of State


By Michael L. Williams

Deputy Secretary of State

This certifies that the regulations submitted in the
rulemaking file identified below were reviewed and approved
by the Director of the Office of Administrative Law in the
City of Sacramento, State of California.

Submitting Agency: Social Services

OAL File No: 90-0813-01


LINDA BREWER
DIRECTOR

08/17/90

FACE SHEET

90-072404C
(See Instructions on Reverse)

RDB# 1189-44

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

FILED
In this office of the Secretary of State
of the State of California

AUG 23 1990
At 3:42 o'clock P.M.
MARCH FONG EU, Secretary of State
By Richard L. Williams
Deputy Secretary of State

ENDORSED
APPROVED FOR FILING

AUG 23 1990

Office of Administrative Law

For use of Office of Adm Law

State Department of Social Services

(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

7-12-90

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE

Rosalie Clark, Chief, Regulations Development Bureau

(916) 445-0313

2. Type of filing, (check one) ☐ 30-day Review ☐ Emergency ☒ Certificate of Compliance (Complete Part 4 below)
- ☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
- ☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title MPP

SECTIONS ADOPTED:

SECTIONS AMENDED:

Sections 69-204, 69-206, 69-208, 69-209 and 69-210

SECTIONS REPEALED:

- b. The following sections listed in 3a contain modifications to the text originally made available to the public: Sections 69-208.12, 69-208.14, 69-208.2 and 69-210 .1.

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- ☐ prior to the emergency adoption
- ☒ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

☒ No ☐ Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

- ☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
- ☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
- ☐ Other _____ (SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER March 2, 1990	b. DATE OF FINAL AGENCY ACTION July 24, 1990	c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) May 24, 1990 through June 8, 1990
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9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. ☐ Effective 30th day after filing with the Secretary of State.
- b. ☒ Effective upon filing with the Secretary of State.
- c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
- d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
- e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)


DELEGATED AUTHORITY ORDER

I hereby authorize and designate the following individuals as the agency contact persons who have authority, during the Office of Administrative Law review period, to make decisions and answer questions regarding regulations adopted by the Department of Social Services.

Rosalie P. Clark, Chief
Regulations Development Bureau

James Rhoads, Assistant Chief
Regulations Development Bureau

This designation shall be effective on 8-26-88, 1988 and shall remain in effect until superseded or cancelled.


Linda S. McMahon
Director

8-26-88
Date

UPDATED INFORMATIVE DIGEST

These emergency regulations implement the requirements contained in Code of Federal Regulations (CFR), Volume 54, No. 22, dated February 23, 1989, effective July 1, 1989. The proposed regulations amend current eligibility requirements for Refugee Demonstration Project (RDP)/Refugee Cash Assistance (RCA) applicants. These regulations require that RDP/RCA applicants must not have voluntarily quit employment, or refused an offer of employment, or refused employment-related training without good cause within 30-consecutive calendar days prior to application for assistance. The regulations also require nonexempt recipients of RDP/RCA, employed 30 hours a week or less, to accept part-time employability services and amend the exemption criteria for refusal of a job offer by RDP/RCA recipients. Additionally, the regulations require that conciliation begin no later than 10 days following the date that the county welfare department (CWD) is made aware of an RDP/RCA recipients failure to cooperate or within 30 days of the date the recipient failed to cooperate whichever comes first. Furthermore, the regulations require sanctions for non cooperating individuals and require CWDs to ensure certain requirements for participation in job search activities are met as a condition of eligibility for RCA. Finally, these regulations include a requirement which will allow for full-time college attendance for RDP/RCA recipients and repeal good cause criteria from Sections 69-209.4(e) and (j).

As a result of testimony received during the public comment period, several changes were made to the regulations as follows: Section 69-208.22 was amended to provide an exemption from job search requirements for certain RCA recipients; Section 69-208.231 was revised to delete the requirement for "supervised" job search; Section 69-208.25 was made more specific regarding documentation of job search in CWD case files; and Section 69-210.1 was modified to require that CWDs complete the conciliation process within 30 days from the date that conciliation begins.

FINAL STATEMENT OF REASONS

a) Description of the Public Problem, Administrative Requirement, or Other Condition or Circumstance the Regulations Are Intended to Address

This emergency regulations package implements mandates in the Federal Register (Vol. 54, No. 22), dated February 3, 1989, to encourage greater employment and less welfare dependency among recipients of the Refugee Demonstration Project (RDP) and Refugee Cash Assistance (RCA) programs. These mandates became effective July 1, 1989.

These regulations change the eligibility requirements for RDP/RCA applicants by requiring that these refugees must not have voluntarily quit employment, refused an offer of employment, or refused employment-related training without good cause, within 30 consecutive calendar days prior to application for assistance.

These regulations also require nonexempt recipients who are employed 30 hours a week or less, to accept part-time employability services, and revise exemption criteria for refusal of a job offer by RDP/RCA recipients. The regulations require that conciliation begin either: no later than 10 days following the date that the county welfare department (CWD) is made aware of an RDP/RCA recipient's failure to cooperate, or within 30 days of the date the recipient failed to cooperate, whichever comes first.

The regulations revise employment-related sanctions to ensure that aid continued to children and exempt or nonexempt complying adults of the assistance unit.

The regulations also delete Sections 69-209.4(e), (h), (j), (m) and (n) from good cause criteria, and add an additional requirement which allows full-time college attendance by recipients of RDP/RCA. Lastly, the regulations require CWD's to ensure certain requirements for participation in job search are met as a condition of eligibility for RCA, and requires sanction of noncooperating individuals.

b) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are NecessarySection 69-204.33Specific Purpose:

This section is being amended to renumber the references correctly from Section 69-213.3 to Section 69-214.3; Section 69-213.6 to Section 69-214.6; and Section 69-213.8 to Section 69-214.8.

Factual Basis:

These correction of reference citations are changes without regulatory effect and are necessary as a result of restructuring the referenced sections in this filing.

Section 69-206.212

Specific Purpose:

This section is being amended to renumber correctly the reference to Section 69-211 to Section 69-213.

Factual Basis:

This renumbering of the reference citation is a change without regulatory effect and is necessary as a result of restructuring the regulations in this filing.

Sections 69-206.54 through .543

Specific Purpose:

These sections are being added to specify how an RDP/RCA recipient, who is a professional in need of professional refresher training, can attend full-time college in order to qualify to practice his/her licensed profession in the United States.

Factual Basis:

This revision is necessary to comply with 45 CFR 400.81(b) which specifies:

"If an individual is a professional in need of professional refresher training and other services in order to qualify to practice his or her profession in the United States, the training may consist of full-time attendance in a college or professional training program, provided that such training: is approved as part of the individual's employability plan by the State agency, or its designee; does not exceed one year's duration (including any time enrolled in such program in the United States prior to the refugee's application for assistance); is specifically intended to assist the professional in becoming relicensed in his or her profession; and, if completed, can realistically be expected to result in such relicensing."

Section 69-208.11

Specific Purpose:

Current wording for Section 69-208.11 was deleted.

The new wording for this section specifies that an applicant for RDP Unemployed Parent or RCA must not without good cause, within 30 consecutive calendar days immediately prior to the application for assistance have voluntarily quit employment, refused an offer of employment or employment-directed education/training, or refused to participate in a CWD-approved or referred employment-directed education/training program.

Factual Basis:

These requirements are necessary in order to implement the federal mandate of 45 CFR 400.77(a)

Section 69-208.12

Specific Purpose:

This section provides that there are certain conditions which must be met by non-exempt refugees in order to be eligible for cash assistance.

Factual Basis:

This requirement is a lead in for the conditions that follow.

Final Modification:

Section 69-208.12 through 69-208.130 was renumbered to 69-208.12(A) through (J). This technical change was necessary to conform to the numbering system/format used in the Department's Manual of Policies and Procedures. No changes were made to the text of the requirements in this section.

Section 69-208.121 (Renumbered to 69-208.12(A))

Specific Purpose:

This section is established to specify that as a condition for cash assistance, a nonexempt refugee must register and participate with a DSS-funded, DSS-approved or other CWD-approved and referred employment-directed education/training program; or register and maintain registration with the State Employment Development Department (EDD).

Factual Basis:

This section is established in order to implement the federal mandate of 45 CFR 400.75(a)(i). This requirement was previously contained in Section 69-208.11.

Section 69-208.122 (Renumbered to 69-208.12(B))

Specific Purpose:

This section has been established to specify that as a condition of eligibility, a non-exempt refugee must register and maintain registration with the State Employment Development Department (EDD) when it is determined that no available DSS-funded or CWD approved project(s) providing employment-direct services can accept the applicant or recipient.

Factual Basis:

This section is established in order to implement the federal mandate of 45 CFR 400.75(a)(i). This requirement was previously contained in Section 69-208.11.

Section 69-208.123 (Renumbered to 69-208.12(C))

Specific Purpose:

This section was renumbered from Section 69-208.222 to Section 69-208.123.

Factual Basis:

This renumbering is a change without regulatory effect and is only for restructuring purposed.

Section 69-208.124 (Renumbered to 69-208.12(D))

Specific Purpose:

This section is established to specify that as a condition for cash assistance, a nonexempt refugee must participate in a social service or targeted assistance program which the resettlement agency responsible for the initial resettlement of the refugee deems to be available or appropriate.

Factual Basis:

This section is necessary in order to implement the federal mandate of 45 CFR 400.75 (a)(7)(iii).

Section 69-208.125 (Renumbered to 69-208.12(E))

Specific Purpose:

This section is established to specify that as a condition for cash assistance, a nonexempt refugee must carry out job search in accordance with the criteria in Section 69-208.2.

Factual Basis:

This section is necessary in order to implement the federal mandate of 45 CFR 400.75 (a)(2).

Section 69-208.126 (Renumbered to 69-208.12(F))

Specific Purpose:

This section is being renumbered from 69-208.223 to 69-208.126.

Factual Basis:

This renumbering is a change without regulatory effect and is only for restructuring purposes.

Section 69-208.127 (Renumbered to 69-208.12(G))

Specific Purpose:

This section is established to specify that a condition of eligibility for cash assistance, a nonexempt refugee must appear for employment interviews arranged by the resettlement agency which was responsible for the initial resettlement of the refugee.

Factual Basis:

This section is established in order to implement the federal mandate of 45 CFR Section 400.75(a)(7)(ii).

Section 69-208.128 (Renumbered to 69-208.12(H))

Specific Purpose:

This section has been renumbered from 69-208.224 to 69-208.128.

Factual Basis:

This renumbering is a change without regulatory effect and is only for restructuring purposes.

Section 69-208.129 (Renumbered to 69-208.12(I))

Specific Purpose:

This section is being renumbered from 69-208.225 to 69-208.129.

Factual Basis:

This renumbering is a change without regulatory effect and is only for restructuring purposes.

Section 69-208.130 (Renumbered to 69-208.12(J))

Specific Purpose:

This section is being renumbered from 69-208.221 to 69-208.12(J), and revised to specify that as a condition of eligibility for cash assistance, a non-exempt refugee must accept at any time, from any source, a bona fide offer of employment.

Factual Basis:

This section is being revised to implement the federal mandate of 45 CFR Section 400.75(a)(4)(i).

Section 69-208.13

Specific Purpose:

This section has been renumbered from 69-208.12 to 69-208.13.

Factual Basis:

The renumbering is a change without regulatory effect and is only for the purpose of restructuring.

Section 69-208.14

Specific Purpose:

This section has been renumbered from 69-208.13 to 69-208.14.

Factual Basis:

The renumbering is a change without regulatory effect and is only for the purposes of restructuring.

Final Modification:

A typographical error was corrected in the first sentence. "... when referring EDP ..." was changed to "... when referring RDP ..."

Section 69-208.15

Specific Purpose:

This section is being renumbered from 69-208.21 to 69-208.15.

Factual Basis:

The renumbering of this section is a change without regulatory effect and is only for restructuring purposes.

Section 69-208.16

Specific Purpose:

This section adds the requirement that as a condition of receiving RDP or RCA, nonexempt recipients who are employed 30 hours a week or less must accept part-time employment-directed services, provided that these services do not interfere with the recipient's job.

Factual Basis:

This revision is necessary to comply with 45 CFR 400.78(a), which specifies that people employed 30 hours a week or less shall accept part-time employment-directed services if these services do not interfere with the recipients' job.

Section 69-208.17

Specific Purpose:

This section prohibits nonexempt recipients from voluntarily quitting a job without good cause.

Factual Basis:

This addition is necessary to comply with 45 CFR 400.77(b), which specifies that "As a condition of continued receipt of refugee cash assistance, an employable recipient may not, without good cause, voluntarily quit employment."

Section 69-208.2

Specific Purpose:

This section is being retitled from "Employment and Employment-Directed Training Requirements" to "RCA Job Search Requirements."

Factual Basis:

This section is being retitled to contain job search requirements that are required only in the RCA program. Employment-directed training requirements have been moved to the previous section.

Sections 69-208.21, .211 and .212

Specific Purpose:

These sections instruct CWDs to establish the requirement that employable RCA participants must search for a job beginning within six months of entering the country (or, if the refugees have already been in the country six months, they must begin upon being determined eligible for RCA).

Factual Basis:

These requirements are necessary in order to comply with 45 CFR 400.80(a)(1) and (2), which require job search for RCA recipients and states when the job search must begin.

Final Modification:

In response to testimony (part d, comment 1) SDSS has modified the final regulations to add a reference to new renumbered Section 69-208.22 which specifies exemption criteria for RCA recipients participating in job search requirements. The basis for this modification is a letter dated July 6, 1990, from the Federal Office of Refugee Resettlement to the Refugee and Immigration Program Branch.

Section 69-208.22

Specific Purpose:

The specific purpose of this section is to provide an exemption for certain RCA recipients from the job search requirements specified in Section 69-208.2.

Factual Basis:

In response to testimony (part d, comment 1) SDSS has modified the final regulations and inserted a new section (69-208.22) to specify that RCA recipients participating in on-the-job training, vocational training, or professional recertification are exempt from the RCA job search requirements. The basis for this modification is a letter dated July 6, 1990, from the Federal Office of Refugee Resettlement to the Refugee and Immigration Program Branch.

Sections 69-208.22, .221 and .222 (Renumbered to 69-208.23, .231 and .232)

Specific Purpose:

Existing Section 69-208.22 was deleted. New sections 69-208.22, .221 and .222 require job search to continue for a minimum of eight consecutive weeks, and specifies the DSS minimum requirements for job search.

Factual Basis:

This section is necessary to comply with 45 CFR 400.80(b) which requires job search for eight consecutive weeks and specifies that the state agency shall determine the appropriate requirements for job search including the amount of time to be devoted to employer contacts per week or the number of employee contacts required per week.

Final Modification:

SDSS has renumbered Sections 69-208.22, .221 and .222 to 69-208.23, .231 and .232 for restructuring purposes in response to testimony (part d, comment 2). SDSS has modified the final regulations by deleting the word "supervised" from Section 69-208.221. This modification is based on the fact that the word "supervised" as used here is not a totally accurate representation of the job search program as it has been established in each of the counties. Some counties do not require that job search be "supervised".

Section 69-208.23 (Renumbered to 69-208.24)

Specific Purpose:

This section is necessary to provide instructions regarding job search to counties who receive no DSS funding for employment and training activities for refugees, but nonetheless, have an RCA caseload.

Factual Basis:

This section is necessary to comply with 45 CFR 400.80(a) which requires job search for RCA recipients.

Final Modification:

This section is being renumbered from 69-208.23 to 69-208.24. The renumbering is a change without regulatory effect and is only for the purpose of restructuring.

Section 69-208.24 (Renumbered to 69-208.25)

Specific Purpose:

This section is being added to ensure that job search is documented in the case files.

Factual Basis:

This section is necessary to comply with 45 CFR 400.80(c) which requires the State agency to implement procedures considered necessary to ensure that the job search requirements are met.

Final Modification:

SDSS has renumbered Section 69-208.24 to 69-208.25. In response to testimony (part d, comment 3) SDSS has modified the final regulations to specify that CWDs must document in the financial assistance eligibility case file when eight week job search begins and is completed.

Section 69-208.4j

Specific Purpose:

This section changes the current exemption from registration, employment and employment-directed education/training requirements. The current exemption of a person employed 100 hours or more per month is changed to persons working at least 30 hours a week in unsubsidized employment which is expected to last a minimum of 30 days. It also specifies that the exemption continues to apply during a break in full-time employment of ten or less working days.

Factual Basis:

This section is necessary to comply with 45 CFR 400.76(a) which specifies that a person is exempt when working at least 30 hours a week in unsubsidized employment.

Section 208.4k

Specific Purpose:

This section is being added to specify that pregnancy under certain conditions is considered exempt.

Factual Basis:

This addition is necessary to comply with 45 CFR 400.76(a)(9) which specifies that a person is exempt whose pregnancy has been medically verified that the child is expected to be born in the month in which registration is required or within the next three months.

Section 69-208.5

Specific Purpose:

This section has been renumbered from 69-208.5 to 69-208.11.

Factual Basis:

The renumbering incorporates current requirements now contained in Section 208.11. These requirements are more appropriately contained under general requirements.

Section 69-209

Specific Purpose:

This section has "and conciliation" deleted from its title because new conciliation requirements are being incorporated in Section 69-210.

Factual Basis:

The change in title is a change without regulatory effect and is only for the purpose of restructuring.

Section 69-209.1

Specific Purpose:

All wording relating to the conciliation process is being deleted due to new conciliation requirements being incorporated in Section 69-210.

Factual Basis:

The revisions are necessary in order to more clearly communicate the new conciliation requirements by incorporating them into a separate section.

Section 69-209.2

Specific Purpose:

This section is being revised to specify that CWD cause determinations must occur within ten working days of learning or being advised that the nonexempt RDP or RCA recipient has not cooperated with employment-related requirements.

Factual Basis:

This section is necessary because of the requirement by the Federal Office of Refugee Resettlement (contained in a letter from Mr. Philip Holman, Acting Director, dated July 6, 1989). The letter specifies that conciliation is to begin no later than ten days following the date that the CWD is made aware of the refugee's failure to cooperate/participate. Since conciliation is a process which is to begin immediately after an insufficient finding of good cause is made, we must insure that CWDs administratively perform a timely cause determination in order to meet conciliation requirements.

Section 69-209.23

Specific Purpose:

This section is being revised to renumber 69-209.25 to 69-209.23 and rennumbers the reference from 69-208.5 to 69-208.11.

Factual Basis:

The renumbering is a change without regulatory effect and is only for the purpose of restructuring.

Section 69-209.24

Specific Purpose:

This section is being revised to renumber 69-209.23 to 69-209.24, change the reference from 69-208.22 to 69-208.12, and add reference to new Section 69-208.16 and 69-208.17.

Factual Basis:

The renumbering is a change without regulatory effect and is only for the purpose of restructuring. With the exception of the references to Sections 69-208.16 and .17, a cause determination must be made when there is failure to comply by the refugee.

Section 69-209.25

Specific Purpose:

This section is being renumbered from 69-209.24 to 69-209.25.

Factual Basis:

The renumbering of this section is a change without regulatory effect and is only for the purpose of restructuring.

Section 69-209.31

Specific Purpose:

This section was amended to specify that the responsible agency for the initial resettlement of the refugee may approve or refer employment offers or employment-directed education/training.

Factual Basis:

This revision was necessary to comply with 45 CFR 400.75(a)(7)(i) requiring acceptance of an offer of employment determined to be appropriate by the resettlement agency responsible for the refugee's initial resettlement.

Section 69-209.32

Specific Purpose:

This section was amended to require that the refugee must cooperate with the initial responsible resettlement agency.

Factual Basis:

This revision was necessary to comply with 45 CFR 400.75(a)(7)(iii) which requires that as a condition of receipt of cash assistance, a person must register or participate in any employment-directed program or education/training, and accept offers of any employment, approved or referred by the responsible resettlement agency. The refugee also may not quit or be discharged from such employment or employment-directed education/training program.

Sections 69-209.4e, h, j, m, and n

Specific Purpose:

These sections were deleted.

Factual Basis:

The provisions of Sections 69-209.4e, h, j, m, and n are no longer requirements of ORR or GAIN. Consequently, they were deleted and Section 69-209.4 was relettered accordingly.

Section 69-209.4g

Specific Purpose:

This section is being renumbered from 69-209.4i to 69-209.4g. It is also being revised to specify that a refugee who has a definite offer of employment which consists of working more than 30 hours a week and is expected to last a minimum of 30 days has good cause for not participating in employment training activities.

Factual Basis:

The relettering is a change without regulatory effect and is only for the purpose of restructuring.

The revision is necessary to maintain consistency with 45 CFR 400.76(a).

Section 209.4i

Specific Purpose:

This section has been relettered from 69-209.4i to 69-209.4i.

Factual Basis:

The renumbering is a change without regulatory effect and is only for restructuring.

Section 69-209.4j

Specific Purpose:

This section was amended by deleting the words "and distance" which was a grammatical error in existing language.

Factual Basis:

This revision is necessary for clarity purposes.

Section 69-209.4k and l

Specific Purpose:

These sections are being relettered from 69-209.4p and 69-209.4q to 69-209.4k and 69-209.4l respectively.

Factual Basis:

The renumbering is a change without regulatory effect and is only for the purpose of restructuring.

Section 69-209.612

Specific Purpose:

This section is being deleted because it is now addressed in Section 69-210.211.

Factual Basis:

This section is duplicative of Section 63-210.211.

Section 69-209.612a

Specific Purpose:

This section is being deleted as it is no longer applicable.

Factual Basis:

This change is necessary to comply with federal mandate 45 CFR 400.82(b)(3)(i).

Section 69-209.612b

Specific Purpose:

This section is being deleted as it is covered by Section 69-210.211.

Factual Basis:

This section is duplicative of Section 69-210.211.

Section 69-210.1

Specific Purpose:

This section is being renumbered from 69-209.5 to 69-210.1 and revised to require that conciliation begin as soon as possible, but no later than ten days following the date the CWD becomes aware of the recipient's failure to cooperate/participate, whichever comes first.

Factual Basis:

This revision is necessary to implement the requirement of the Federal Office of Refugee Resettlement, communicated in a letter from Mr. Philip Holman and dated July 6, 1989, which specifies that conciliation is to begin no later than ten days following the date that the CWD is made aware of the refugee's failure to cooperate/participate. The renumbering is a change without regulatory effect and is only for the purpose of restructuring.

Final Modification:

SDSS has modified the final regulations to add a provision which was omitted. The provision requires that CWDs must complete the conciliation process within 30 days from the date conciliation begins. This provision is necessary to comply with 45 CFR 400.82(b)(3)(iii) which stipulates that conciliation may continue for a period not to exceed 30 days.

Sections 69-210.11 through 69-210.16

Specific Purpose:

These sections were renumbered from 69-209.511 through 69-209.56 to 69-210.11 through 69-210.16 respectively. Also the reference in .16 to 69-209.6 was changed to 69-210.2.

Factual Basis:

This renumbering is a change without regulatory effect and is only for the purpose of restructuring.

Section 69-210.2

Specific Purpose:

This section is being renumbered from 69-209.6 to 69-210.2.

Factual Basis:

This renumbering is a change without regulatory effect and is only for the purpose of restructuring.

Section 69-210.21

Specific Purpose:

This section was renumbered from 69-209.61 to 69-210.21. The reference to Section 69-208.5 was changed to 69-210.

The sentence "Aid continues to the rest of the assistance unit if the members are otherwise eligible" was moved from .211 to .21.

Factual Basis:

This renumbering and change in reference is without regulatory effect and was done only for the purpose of restructuring. The relocated sentence adds clarity but does not change the requirement.

Section 69-210.211

Specific Purpose:

This section is being renumbered from Section 69-209.611 to Section 69-210.211. The references to 69-208.5 and 69-208.73 are being changed to 69-208.11 and 69-210.23 respectively. Additionally, this section has been revised to specify that penalties for failure or refusal to comply with registration and employment requirements apply to recipients of RDP as well as RCA. The last sentence of this Section was moved to Section 69-210.21 for clarity and letter flow.

Factual Basis:

This renumbering is a change without regulatory effect and is only for the purpose of restructuring. The regulatory change is necessary to comply with 45 CFR 400.82(b)(3)(i).

Section 69-210.22 et seq.

Specific Purpose:

These sections are being renumbered from 69-209.62, .621, .622, 623, and .624 to 69-210.22, .221, .222, .223, and .224 respectively.

Factual Basis:

This renumbering is a change without regulatory effect and is only for the purpose of restructuring.

Section 69-210.23 et seq.

Specific Purpose:

These sections are being renumbered from 69-209.63, .631, .632, and .633 to 69-210.23, .231, .232, and .233 respectively.

Section 69-211

Specific Purpose:

This section is being renumbered from 69-210 to 69-211.

Factual Basis:

This renumbering is a change without regulatory effect and is only for the purpose of restructuring.

Section 69-212

Specific Purpose:

This section is being renumbered from 69-211 to 69-212.

Factual Basis:

This renumbering is a change without regulatory effect and is only for the purpose of restructuring.

Section 69-213

Specific Purpose:

This section is being renumbered from 69-212 to 69-213.

Factual Basis:

This renumbering is a change without regulatory effect and is only for the purpose of restructuring.

Section 69-214

Specific Purpose:

This section is being renumbered from 69-213 to 69-214.

Factual Basis:

This renumbering is a change without regulatory effect and is only for the purpose of restructuring.

Section 214.8

Specific Purpose:

This section has been amended to include a reference to 69-206.54, a new section which specifies that a recipient who is a professional may attend college full-time as part of the employability plan in order to qualify to practice his or her profession in the United States (see Section 69-206.54).

Factual Basis:

This reference is necessary in order to comply with 45 CFR 400.81(b), which specifies that professionals may attend college full-time in order to qualify to practice their professions in the United States. The reference is necessary in order to exempt such professionals from termination of aid due to full-time college attendance.

c) Identification of Documents Upon Which Department Is Relying

Sections 10553 and 10554, Welfare and Institutions Code. Federal Register, Volume 54, No. 22 and Letter to Linda McMahon from Philip Holman, Department of Health and Human Services, Washington, DC dated July 6, 1989.

d) Testimony and Response

The emergency RDP/RCA Program Amendments regulations were considered at a public hearing on April 18, 1990. No oral comments were presented at the hearing. The Department received written comments from Orange County Social Services Agency during the 45-day comment period. No other comments, written or oral, were received. A summary of the comments and the Department's responses to the comments follow below.

Section 69-208.2

Comment:

Orange County submitted the following comment/recommendation:

"All County Letter No. 89-104 states "An RCA recipient participating in on-the-job training, vocational training, or professional recertification is exempt from the EWJS requirement." This is not an exemption from mandatory employment service participation. It excuses a client from "mandatory" eight weeks job search participation until the client completes his VT or OJT participation.

.213 should be added to read:

.213 If a client is participating in on-the-job training, vocational training, or professional recertification, they are not required to begin eight weeks job search."

Response:

The Department agreed that the exemptions from job search requirements should be included in Section 69-208.2.

Section 69-208.22 has been added to read:

RCA recipients participating in on-the-job training, vocational training, or professional recertification are exempt from the RCA job search requirements specified in Section 69-208.2.

Section 69-208.22

Comment:

Orange County commented that counties should be given flexibility in determining what constitutes eight weeks job search. The county recommended the following changes:

".22 should read:

.22 A job search program shall continue for at least eight consecutive weeks. Each county with the approval of the State shall determine their minimum requirements for job searching.

.221 and .222 should be deleted.

If the State does not give this flexibility, then the State's requirements for county administered programs (.221) should be at least as flexible as those in State administered programs (.222)."

Response:

The Department disagreed with the county's comment. Sections 400.80 (b) and (c) of the Federal regulations clearly specify that the state agency is the entity responsible for determining the appropriate amount of time to be devoted to employer contacts per week as well as ensuring that requirements for participation in job search are met.

The Department amended Section 69-208.221 (renumbered to 69-208.231) by deleting the word "supervised". This modification is based on the fact that the word "supervised" as used here is not a totally accurate representation of the job search program as it has been established in each of the counties. Some counties do not require that job search be "supervised".

Section 69-208.24

Comment:

Orange County recommended that the regulations be more specific by using the following wording:

.24 The CWD must document in the financial assistance eligibility case files when eight weeks job search begins and is completed.

Response:

The Department agreed with the county's comment and suggestion for more specific wording which has been incorporated verbatim into the regulations. Section 69-208.24 was renumbered to 69-208.25.

Section 69-210.1

Comment:

Firstly, Orange County stated that there is no need for the regulations to reference RDP clients since the RDP program has been eliminated. Secondly, Orange County commented as follows:

"Since ORR does not require the conciliation plan be completed within 30 days of the date that the recipient failed to cooperate/participate, we suggest this part be eliminated. CWD's may experience difficulty in meeting the 30 day requirement if for some reason they do not become aware in a timely manner of the recipients failure to cooperate/participate.

The section would read:

- .1 If the CWD determines that no good cause existed for the failure or refusal to meet program requirements, the CWD shall try to resolve the recipient's failure or refusal to cooperate before the Notice of Action is issued. This process known as conciliation shall begin as soon as possible, but no later than 10 days following the date that the CWD becomes aware of an RCA recipient's failure to cooperate/participate."

Response:

The Department disagreed with the county's comment. The July 6, 1989 letter from Mr. Phil Holman, ORR, specifies in the last paragraph of page 1 that: "The conciliation effort shall begin as soon as possible, but no later than 10 days following the date that the county welfare department is made aware of an individual's failure to cooperate/participate, or within 30 days of the date that the individual failed to cooperate/participate, whichever comes first."

Contrary to Orange County's comment, Section 69-210.1 does not specify that the conciliation plan be completed within 30 days of the date that the recipient failed to cooperate/participate. The regulation specifies that conciliation must begin within 30 days of the date that the individual failed to cooperate/participate. The regulation does not address conciliation completion dates. However, the Department has decided to amend Section 69-210.1 to require that CWDs must complete the conciliation process within 30 days from the date conciliation begins. This provision is necessary to comply with 45 CFR 400.82(b)(3)(iii) which stipulates that conciliation may continue for a period not to exceed 30 days.

Section 69-210.11

Comment:

Orange County recommended that the requirement that "...the interview shall be rescheduled" should be modified by adding the wording "as soon as administratively feasible."

Response:

The Department did not respond to Orange County's testimony on Section 69-210.11 because the comment is not in reference to regulations which were newly established or revised.

e) Local Mandate Statement

These regulations do impose a mandate upon local agencies, but not school districts. There are no "state mandated local costs" in these regulations which require State reimbursement under Sections 17500 et seq. of the Government Code because any costs associated with the implementation of these regulations are costs mandated by the Federal Government within the meaning of Government Code Section 17513.

f) Statement of Potential Cost Impact on Private Persons or Businesses and of Alternatives Considered

SDSS has determined that these regulations will have no fiscal impact on private persons or businesses.

SDSS has determined that no alternative considered would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected persons than the proposed action.

g) Small Business Impact Statement

SDSS has determined that these regulations will have no adverse fiscal impact on small businesses.

h) 15-Day Renotice Statement

Based on testimony, the Department revised Section 69-208.2 by adding a new .22 which allows certain RCA recipients to be exempt from the RCA job search requirements specified in Section 69-208.2. A 15-day public comment period for this change was provided from May 24, 1990 to June 8, 1990. The Department received no comments, written or oral, during the 15-day renotice period.

Amend Section 69-204.33 to read:

69-204 RESETTLEMENT AGENCY, SPONSOR AND COUNTY
RESPONSIBILITIES (Continued)

69-204

.3 Conversion (Continued)

- .33 Refugee cases terminated from RDP as specified under Sections 69-214.3, 69-214.6 and 69-21~~5~~.8 shall be transferred to federal AFDC-FG/U via interprogram transfer if the RDP assistance unit is determined eligible. A new application is not required.
(Continued)

Authority Cited: Section 10554, Welfare and Institutions Code.

Reference: Section 10553, Welfare and Institutions Code.

Amend Section 69-206 to read:

69-206 ELIGIBILITY FOR REFUGEE DEMONSTRATION PROJECT 69-206
(RDP) OR REFUGEE CASH ASSISTANCE (RCA) (Continued)

.2 Eligibility Determination (Continued)

.21 Time Eligibility (Continued)

.212 Eligibility for RCA is limited to the number of months required in Section 69-203.41 following the refugee's date of entry in the United States. The month of entry, as indicated on the INS Form I-94, is counted as the first month. Unaccompanied refugee minors (Section 69-213) are not subject to the time limitation.
(Continued)

Authority Cited: Section 10554, Welfare and Institutions Code.

Reference: Section 10553, Welfare and Institutions Code.

Amend Section 69-206.5 to read:

69-206 ELIGIBILITY FOR REFUGEE DEMONSTRATION PROJECT 69-206
(RDP) OR REFUGEE CASH ASSISTANCE (RCA) (Continued)

.5 Full-time Student in an Institution of Higher Education
(Continued)

.54 If an RDP/RCA recipient is a professional in need of professional refresher training and other services in order to qualify to practice his/her licensed profession in the United States, the training may consist of full-time attendance in a college or professional training program, provided that such training:

.541 is approved as part of the individual's employability plan as developed by the CWD or its designee;

.542 does not exceed one year's duration (including any time enrolled in such program in the United States prior to the refugee's application for assistance. If there is no documentation available the CWD shall accept client declaration as an acceptable method for determining if the refugee has received higher education in the United States prior to application for aid); and

.543 is specifically intended to assist the individual in becoming relicensed in his/her profession; and, if completed, can realistically be expected to result in such relicensing.

Authority Cited: Section 10554, Welfare and Institutions Code.

Reference: 45 CFR 400.81(b).

Relocate Sections 69-208.222, .223, .224, and .225 to 69-208.123, .126, .128, and .129 respectively; relocate Section 69-208.5 to 69-208.1 and amend; renumber existing 69-208.12 and .13 to 69-208.13 and .14; then renumber 69-208.21 to 69-208.15 and add .16 and .17 to read:

69-208 REGISTRATION, EMPLOYMENT AND EMPLOYMENT-DIRECTED 69-208
EDUCATION/TRAINING REQUIREMENTS

.1 General Requirements

.11 As an applicant for RDP or RCA, a refugee shall not, without good cause, within 30 consecutive calendar days immediately prior to the application for assistance, have voluntarily quit employment or have refused to accept an offer of employment or employment-directed education/training, or refused to participate in a CWD-approved or referred employment-directed education/training program.

.12 As a condition for receipt of cash assistance, an applicant/recipient, who is not exempt under Section 69-208.3 shall, except for good cause shown:

(121)(A) Register and participate with a DSS-funded, DSS-approved or other CWD-approved and referred employment-directed education/training program; or

(122)(B) Register and maintain registration with the State Employment Development Department (EDD);

(123)(C) Accept a bona fide offer of employment-directed education/training, which is CWD-sponsored, approved or referred; and participate in the education/training program in accordance with the criteria set by the program.

(124)(D) Participate in a social service or targeted assistance program which the resettlement agency responsible for the initial resettlement of the refugee deems to be available or appropriate.

(125)(E) Carry out job search in accordance with the criteria of Section 69-208.2.

1126Y(F) Appear for employment interviews arranged by DSS-funded, DSS-approved or CWD-approved employment-directed programs.

1127Y(G) Appear for employment interviews arranged by the resettlement agency which was responsible for the initial resettlement of the refugee.

1128Y(H) Report to the DSS-funded, DSS-approved or CWD-approved employment-directed program when requested to by the program.

1129Y(I) Accept referrals to employment interviews arranged by the DSS-funded, DSS-approved or CWD-approved employment-directed program.

1130Y(J) Accept at any time, from any source, a bona fide offer of employment.

- .13 Prior to approval of the application or receipt of aid the applicant/recipient must provide written verification to the CWD of his/her registration with the employment-directed education/training program or EDD.
- .14 Unless the order of priority is waived by DSS, CWDs shall, when referring ERDP or RCA applicants/recipients to education/training programs, give priority first to DSS-funded or DSS-approved programs and second to other CWD-approved programs. If no available education/training program can accept the applicant/recipient, the CWD shall refer the refugee to EDD for registration. Once the applicant/recipient has completed all available education/training programs, the CWD shall refer the refugee to EDD for registration.
- .15 The CWD shall refer all nonexempt (see Section 69-208.4) RDP or RCA applicants and recipients to the local DSS-funded or CWD-approved project(s) providing employment-directed education/training for refugees. Such training must meet local employers' requirements so as to be likely to lead to employment within the local labor market. CWD referrals shall be accomplished in accordance with instructions and directives issued by DSS.

- .16 As a condition of continued receipt of RDP or RCA, a nonexempt recipient who is employed 30 hours a week or less shall accept part-time employment-directed services, provided that such services do not interfere with the recipient's job.
- .17 As a condition of continued receipt of RDP or RCA, a nonexempt recipient shall not, without good cause, voluntarily quit employment.

Authority Cited: Section 10554, Welfare and Institutions Code.

Reference: 45 CFR 400.75, .77, and .78.

Adopt Section 69-208.2 to read:

69-208 REGISTRATION, EMPLOYMENT, AND EMPLOYMENT-DIRECTED 69-208
EDUCATION/TRAINING REQUIREMENTS (Continued)

.1 (Continued)

.2 RCA Job Search Requirements

.21 An RCA recipient who meets the criteria in Sections 69-206.12 and 42-800.1 and who is not exempt under Section 69-208.22 or Section 69-208.4 shall carry out a job search program beginning:

.211 No later than six months after the refugee entered the United States, or

.212 At the time the refugee is determined eligible for RCA if the refugee has completed at least six months in the United States at the time of determination.

.22 RCA recipients participating in on-the-job training, vocational training, or professional recertification are exempt from the RCA job search requirements specified in Section 69-208.2.

.223 A job search program shall continue for at least eight consecutive weeks and shall meet the DSS minimum requirements for job search as described below:

.2231 Three ~~supervised~~ employee contacts per week for counties which directly administer Refugee Employment Social Services (RESS) and Targeted Assistance Programs (TAPs).

.2232 For counties in which the state directly administers the RESS Program, four hours of pre-job search training during the first week. A minimum of three employer contacts per week thereafter, one of which shall be supervised.

.224 For counties which have an RCA caseload, but do not have RESS and/or TAPs available, the job search requirement shall be met by mandatorily referring RCA recipients to EDD-Job Services.

.245 The CWD must document in the financial assistance eligibility case file when eight weeks job search activities in the case file begins and is completed.

Authority Cited: Section 10554, Welfare and Institutions Code.

Reference: 45 CFR 400.80(a)(1), (b) and (c).

Amend Sections 69-208.4j. and k. to read:

69-208 REGISTRATION, EMPLOYMENT AND EMPLOYMENT-DIRECTED 69-208
EDUCATION/TRAINING REQUIREMENTS (Continued)

.4 Refugees Exempt from Registration, Employment and
Employment-directed Education/Training Requirements:
(Continued)

- j. A person who is working more than 30 hours a week in unsubsidized employment which is expected to last a minimum of 30 days. This exemption continues to apply if there is a temporary break in full-time employment which is expected to last no longer than 10 workdays.
- k. A person who is pregnant and it has been medically verified that the child is expected to be born in the month in which registration would otherwise be required or within the next three months.

Authority Cited: Section 10554, Welfare and Institutions Code.

Reference: 45 CFR 400.80(a)(1), (b) and (c).

Amend Sections 69-209.1, .2, and .3 to read:

69-209 CAUSE DETERMINATIONS

69-209

- .1 If recipient fails or refuses to participate/cooperate in the RDP/RCA program as required, the CWD shall make a cause determination.

- .2 Conditions Under Which Cause Determination Shall Be Made

Using the criteria found in Section 69-209.3, the CWD shall make a cause determination within 10 working days of learning or being advised that the nonexempt refugee who is an RDP or RCA applicant or recipient has:

- .21 Failed or refused to register or participate with a DSS-funded or CWD approved or referred employment-directed program as required; or
- .22 Failed or refused to register or to maintain registration with EDD as required; or
- .23 Failed or refused to meet the requirements contained in Section 69-208.11.
- .24 Failed or refused to comply with the requirements contained in Section 69-208.12, 69-208.16 and 69-208.17; or
- .25 Failed or refused to comply with the requirements contained in Section 69-208.32.

- .3 Factors That Must Be Considered in Cause Determinations

The CWD must include the following determinations, as appropriate, in considering whether good cause exists for failure or refusal to meet or comply with requirements regarding registration, employment, and employment-directed education/training.

- .31 There must be a determination that a bona fide offer of employment or employment-directed education/training was made to the individual. A bona fide offer of employment or employment-directed education/training may originate from any source, approved or referred by the CWD (including DSS-funded program) or the responsible agency for the initial resettlement of the refugee and may be temporary, permanent, full-time, part-time, or seasonal work.
- .32 There must be a determination that the individual failed or refused to register or participate with a CWD approved or referred employment-directed program, or the initial responsible resettlement agency; or failed or refused to accept the bona fide offer of employment or employment-directed education/training as planned; or that the individual quit or was discharged from employment or employment-directed education/training. (Continued)

Authority Cited: Section 10554, Welfare and Institutions Code.

Reference: 45 CFR 400.75(a)(7)(i) and (iii).

Amend Sections 69-209.4 and .61 to read:

69-209 CAUSE DETERMINATIONS (Continued)

69-209

.4 (Continued)

- e. The wage does not meet or exceed the federal or state minimum wage law, whichever is applicable; or if such laws are not applicable, the wage is less favorable than the wage normally paid for similar work in that labor market, or, in any event, is less than three-fourths of the minimum wage rate; or
- f. The daily hours of work and the weekly hours of work exceed those customary to the occupation; or
- g. The individual had a definite offer of unsubsidized employment which consisted of working more than 30 hours a week and was expected to last a minimum of 30 days; or
- h. The individual was prevented from participating or reporting due to physical or mental incapacity; or
- i. The individual was ill or was required to care for an ill member of the FBU because no other care arrangements were feasible; or
- j. The total daily commuting time to the employment of educational/training site and return, would normally exceed two hours, not including the transporting of a child to and from a child care facility, unless a longer commuting distance is generally accepted in the community, in which case the round trip commuting time shall not exceed the generally accepted community standards; or
- k. The employment or training violated laws and regulations pertaining to discrimination based on age, sex, race, religion, color, national origin, marital status, political affiliation, or handicap; or
- l. The individual had other substantial and compelling reasons for failure to meet or comply with the requirements of Section 69-208.

.5 (Continued)

.6 (Continued)

.61 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and
Institutions Code.

Reference: Sections 10553 and 10554, Welfare and
Institutions Code.

Relocate and renumber Sections 69-209.5 and .6 to 69-210.1 and .2 and amend and renumber to read:

69-210 CONCILIATION

69-210

- .1 If the CWD determines that no good cause existed for the failure or refusal to meet program requirements, the CWD shall try to resolve the recipient's failure or refusal to cooperate before the Notice of Action is issued. This process known as conciliation shall begin as soon as possible, but no later than 10 days following the date that the CWD becomes aware of an RDP/RCA recipient's failure to cooperate/participate, or within 30 days of the date that the recipient failed to cooperate/participate, ~~or within 30 days of the date that the recipient failed to cooperate/participate/~~ whichever occurs first. CWDs must complete the conciliation process within 30 days from the date conciliation begins.
- .11 If the recipient contacts the CWD prior to the interview to request rescheduling, the interview shall be rescheduled.
- .12 Conciliation may be terminated sooner by either the CWD or by the recipient's written request if at any time it is apparent to either that the dispute cannot be resolved.
- .121 The CWD may end the conciliation early if it is apparent that the recipient will not cooperate, e.g., continues to refuse or to fail to report to CIU and/or training and employment services, or otherwise demonstrates unwillingness to cooperate. A timely Notice of Action shall be sent.
- .122 The CWD shall inform the recipient of the right to terminate the conciliation and to receive assistance from the CWD in preparing the written request.
- .13 In order to resolve the dispute during conciliation, the CWD may have to coordinate with the CIU and/or service provider.
- .14 The CWD shall develop a written conciliation plan specifying the actions the recipient shall take to demonstrate cooperation with registration, employment, and employment-directed education/training requirements.

- .141 The recipient has the right to propose an alternate conciliation plan. However, the CWD shall make the final decision regarding the terms of the plan.
- .142 The CWD shall give a copy of the plan to the recipient.
- .15 If the recipient follows the terms of the conciliation plan, he/she shall continue to participate in the RCA/RDP program.
- .151 The CWD shall notify the recipient in writing of the successful completion of conciliation.
- .16 If the conciliation process is unsuccessful in resolving the conflict, see Section 69-210.2 (Penalties for Failure or Refusal to Comply with the Registration, Employment and Employment-Directed Education/Training Requirements).
- .2 Penalties for Failure or Refusal to Comply with the Registration, Employment and Employment-Directed Education/Training Requirements
 - .21 If the nonexempt RDP or RCA applicant or recipient has refused or failed, without good cause, to meet or comply with the requirements of Section 69-208.1 through 69-208.3 and 69-210, the CWD shall deny or discontinue benefits for that individual. Aid continues to the rest of the assistance unit if the members are otherwise eligible.
 - .211 Except as provided in Sections 69-208.11 and 69-210.23, a noncomplying recipient shall be ineligible for RCA benefits for three payment months for the first occurrence and six payment months for the second and subsequent occurrences from the date of discontinuance for refusal or failure to comply without good cause.
 - .22 In the event aid is denied or discontinued, the following actions are required:
 - .221 The refugee shall be given at least ten days advance written notice of the termination of assistance and the reason(s) therefore. (See MPP Section 22-001.)
 - .222 Discontinuance shall be effective at the end of the month in which the ten days expire.

- .223 If the noncomplying refugee is a caretaker relative, assistance in the form of protective payments will be provided to the remaining members of the budget unit in accordance with AFDC regulations, MPP Section 42-691.221.
- .224 the noncomplying refugee may request restoration of assistance at any time after the termination of assistance because of refusal or failure to comply. The effective date of restoration, however, shall be no earlier than the day after the completion of the penalty period.
- .23 There is no durational penalty attached to a failure or refusal to register with the employment education/training program(s) or EDD.
- .231 The noncomplying individual in an RCA assistance unit shall be ineligible for RCA benefits until he/she has registered as required. Other nonexempt individuals in the assistance unit who fail or refuse to register shall be ineligible for RCA benefits.
- .232 An RDP assistance unit shall be ineligible for RDP benefits until the RDP-U parent has registered as required. Other nonexempt individuals in the assistance unit who fail or refuse to register shall be ineligible for RDP benefits.
- .233 A nonexempt RDP-FG individual shall be ineligible for RDP benefits until he/she has registered as required. Aid continues to the remainder of the assistance unit unless the RDP-FG individual who fails or refuses to register is the only eligible child in the assistance unit, in which case, the entire assistance unit is ineligible for RDP benefits.

Authority Cited: Section 10554, Welfare and Institutions Code.

Reference: 45 CFR 400.82(b)(3)(i) and ORR letter from Philip A. Holman to Linda McMahon dated July 6, 1989.

Renumber existing Section 69-210 to 69-211:

69-211 AID PAYMENTS

69-211

(Continued)

Authority Cited: Sections 10553 and 10554, Welfare and
Institutions Code.

Reference: Sections 10553 and 10554, Welfare and
Institutions Code.

Renumber existing Section 69-211 to Section 69-212:

69-212 OVERPAYMENT/UNDERPAYMENT ADJUSTMENTS AND FRAUD 69-212
REFERRALS

(Continued)

Authority Cited: Sections 10553 and 10554, Welfare and
Institutions Code.

Reference: Sections 10553 and 10554, Welfare and
Institutions Code.

Renumber existing Section 69-212 to Section 69-213:

69-213 UNACCOMPANIED REFUGEE MINORS

69-213

(Continued)

Authority Cited: Sections 10553 and 10554, Welfare and
Institutions Code.

Reference: Sections 10553 and 10554, Welfare and
Institutions Code.

Renumber existing Section 69-213 to Section 69-214; then amend Section 69-214.8 to read:

69-214 TERMINATION OF AID

69-214

(Continued)

- .8 A refugee becomes a full-time student in a college program in an institution of higher education, except as provided in Sections 69-206.52, .53, and .54.
(Continued)

Authority Cited: Section 10554, Welfare and Institutions Code.

Reference: Section 10553, Welfare and Institutions Code
and 45 CFR 400.81(b).

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED
In this office of the Secretary of State
of the State of California

AUG 23 1990
At 342 o'clock P.M.
MARCH FONG EU, Secretary of State
By *Michael L. Williams*
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: Social Services

OAL File No: 90-0724-04



LINDA BREWER
DIRECTOR

08/23/90

STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE LAW NOTICE PUBLICATION REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STANDARD (REV. 7-90)

OAL FILE NUMBER	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
	Z-90-0323-01	90-0730-01C	90-0320-02E	

For use by Office of Administrative Law (OAL) only

1990 JUL 30 7 2 33

OFFICE OF ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
AUG 29 1990
Office of Administrative Law

AGENCY	REGULATIONS
Department of Social Services	AGENCY FILE NUMBER (if any) 0190-06

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT
	See attached.
	AMEND
TITLE(S)	22-001, 22-022, 40-107, 40-131, 40-173, and 42-750
MPP	REPEAL

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print: Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

July 6, 1990 through July 23, 1990 See attached.

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON	TELEPHONE NUMBER
Rosalie Clark, Chief, Regulations Development Bureau	445-0313

7. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE	DATE
	7-27-90
TYPED NAME AND TITLE OF SIGNATORY	
Linda S. McMahon, Director	

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 7-90) (REVERSE)

INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

B.1.

Sections Adopted: 40-007, 47-100, 47-101, 47-102, 47-105, 47-110, 47-120, 47-125, 47-130, 47-140, 47-145, 47-150, 47-155, 47-160, 47-165, 47-170, 47-175, 47-180, 47-185, and 47-190

B.3.

Sections Amended: 22-001(a)(7), 22-003.1, 22-021.1, 22-022.61 and .611, 40-107.14, 40-131.3r., 40-173.8, 47-101, 47-102, 47-105, 47-110, 47-120, 47-125.121, .122, and .21, 47-130, 47-140.2, 47-145.1, 47-150, 47-155, 47-160, 47-165, 47-170, 47-175, 47-180, 47-185, and 47-190

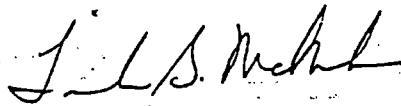
DELEGATED AUTHORITY ORDER

I hereby authorize and designate the following individuals as the agency contact persons who have authority, during the Office of Administrative Law review period, to make decisions and answer questions regarding regulations adopted by the Department of Social Services.

Rosalie P. Clark, Chief
Regulations Development Bureau

James Rhoads, Assistant Chief
Regulations Development Bureau

This designation shall be effective on 8-26-88, 1988 and shall remain in effect until superseded or cancelled.


Linda S. McMahon
Director

8-26-88
Date

Amend Section 22-001(a) (7) to read:

22-001 DEFINITIONS

22-001

(a) (Continued)

(3) Aid - For purposes of this Division "aid" includes all public assistance programs subject to a state hearing.

(A) Such programs include Aid to Families with Dependent Children (AFDC), the State administered programs for recipients of SSI/SSP (Division 46), Refugee Resettlement Program (RRP), the Cuban/Haitian Entrant Program (CHEP), the Food Stamp Program (FS), the California Medical Assistance Program (Medi-Cal), the Transitional Child Care Program (TCC), the Social Services Programs described in Division 30 of the Manual of Policies and Procedures (MPP), Women, Infant and Children Program (WIC), Aid for the Adoption of Children Program (AAC), Adoption Assistance Program (AAP), and Multipurpose Senior Services Program (MSSP).

(4) through (6) (Continued)

(7) Claimant - The person who has requested a state hearing and is or has been either: (Continued)

(G) A Transitional Child Care provider who receives direct payments for child care services on behalf of a Transitional Child Care family.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10613, 11209, and 11511(a), Welfare and Institutions Code; and 45 CFR 255.4(j)(1) and Part 256.

Amend Section 22-003.1 to read:

22-003 RIGHT TO STATE HEARING

22-003

.1 A state hearing shall be available to a claimant who is dissatisfied with a county action and requests a hearing in the manner set forth below. (Continued)

.14 There is no right to a state hearing on the part of any Transitional Child Care provider except on the issue of an overpayment which has been assessed against the provider.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10613, 11209, and 11511(a), Welfare and Institutions Code; and 45 CFR 255.4(j)(1) and 256.4(b).

Amend Section 22-021.1 to read:

22-021 ADEQUATE NOTICE

22-021

.1 Except as provided in .2 below, the county shall give the claimant adequate notice as defined in Section 22-001(a)(1) in the following instances: (Continued)

.19 When the county demands repayment of an overpayment from a Transitional Child Care provider.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10613, 11209, and 11511(a), Welfare and Institutions Code; and 45 CFR 255.4(j)(1) and 256.4(b).

Amend Sections 22-022.61 and .611 to read:

22-022 TIMELY NOTICE - AID PENDING HEARING (Continued) 22-022

.6 Aid Pending a Hearing

.61 In the Transitional Child Care (TCC) program, benefits shall be paid pending the outcome of a state hearing in the amount requested by the family up to the reimbursement maximum currently approved by the county or actual cost less the family fee, whichever is less, ~~currently approved by the county~~, subject to the following conditions:

.611 Benefits paid pending shall not be allowed ~~paid pending~~ beyond the 12-month TCC eligibility period.

.612 The family has filed for or requested a state hearing within ten calendar days of the notice of action, or within ten calendar days of the date a child care payment is issued when the family is dissatisfied with the amount of the payment.

HANDBOOK BEGINS HERE

.613 Example: The TCC family was approved for TCC up to a reimbursement maximum of \$275. The TCC family's actual costs less the family fee had been \$250 for the three preceding months. The provider increased the rate to \$300 after deduction of the family fee, but the family still only paid the provider \$250 plus the family fee. The family submits a request for payment in the amount of \$300, after deduction of the family fee. However, the provider signed the request and indicated receipt of payment for the family fee and \$250. The county issues a payment of \$250. The family files for aid paid pending. The county would issue payment of an additional \$25 pending the outcome of the hearing. This is the \$250 originally paid and the additional \$25 which takes the family up to the reimbursement maximum.

HANDBOOK ENDS HERE

.7 (Continued)

.71 (Continued)

.711 (Continued)

- .72 (Continued)
- .73 (Continued)
 - .731 (Continued)
 - .732 (Continued)
- .74 (Continued)
 - .741 (Continued)
- .75 (Continued)
 - .751 (Continued)
- .76 (Continued)
- .8 (Continued)
- .81 (Continued)
- .9 (Continued)
 - .91 (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10613, 11209, and 11511(a), Welfare and Institutions Code; 45 CFR 205.10; 45 CFR 256.2(c); and 45 CFR 256.4(d).

Amend Section 40-007.1 to read:

40-007 IMPLEMENTATION OF THE TRANSITIONAL CHILD CARE
PROGRAM

40-007

- .1 The adoption of Division 47 and amendment of Sections 202-001(a)(3)(A), 22-022.6, 40-107.1, 40-131.3, 40-173, and 42-750 which implement the Transitional Child Care (TCC) program shall be effective April 1, 1990. Counties are required to meet the TCC and Transitional Medi-Cal informational requirements at application, redetermination and discontinuance beginning April 1, 1990.

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- .2 Division 47 is being adopted to implement the Transitional Child Care (TCC) program in compliance with the Family Support Act of 1988 and Part 256 of the final Federal Rules published October 13, 1989 (45 CFR 256). These provisions require that certain former AFDC recipients will be eligible to receive funding of their child care expenses under certain conditions up to a year following their last month of AFDC eligibility.
- .3 Sections 22-001(a)(3)(A) and 22-022.6 are being amended to comply with the notice and hearing requirements in the Family Support Act of 1988 which pertain to the TCC program.
- .4 Sections 40-107.1 and 40-131.3 are being amended to require that all AFDC applicants and recipients are informed about the TCC program at the time of AFDC application and redetermination.
- .5 Section 40-173 is being amended to require that certain AFDC recipients are informed about their potential eligibility for TCC at the time of AFDC termination.
- .6 Section 42-750 pertaining to a GAIN TCC program is being repealed as the program is being superseded by Division 47.

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Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10613, 11209, and 11511(a), Welfare and Institutions Code; 45 CFR 250.20(a)(3); 45 CFR 255.1; and 45 CFR 256.1(b).

Amend Section 40-107.14 to read:

40-107 COUNTY RESPONSIBILITY

40-107

.1 Assisting the Applicant (Continued)

.14 At the time of request for ~~TCC program benefits~~ AFDC, applicants/recipients shall be informed in writing of the following:

.141 The availability of transitional child care and transitional Medi-Cal.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10613, 11209, 11500(b), 11502(b), and 11511(a), Welfare and Institutions Code; 45 CFR 250.20; 45 CFR 250.40(b); 45 CFR 255.1; and 45 CFR 256.1(b).

Amend Section 40-131.3r. to read:

40-131 INTERVIEW REQUIREMENT (Continued)

40-131

.3 Content of Application Interview

The application interview shall include discussion of the following as pertinent: (Continued)

- r. The availability of transitional child care benefits and transitional Medi-Cal benefits for recipients who are discontinued from AFDC due to certain employment-related circumstances.

(1) The county shall be permitted to discuss this information either at application or at time of approval.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10613, 11209, 11500(b), and 11511(a), Welfare and Institutions Code; 45 CFR 250.20; 45 CFR 250.40(b); 45 CFR 255.1; and 45 CFR 256.1(b).

Amend Section 40-173.8 to read:

40-173 COUNTY DEPARTMENT RESPONSIBILITY FOR NOTIFYING
APPLICANTS AND RECIPIENTS

40-173

Prior to county action (except as provided in .7 below), the applicant or recipient shall be (a) notified of any county action which relates to his application, affects aid payment to him or his certification for medical assistance, or affects aid payment to him or his family, and (b) informed of his responsibility for reporting facts material to the determination of his eligibility. Such notification, advice, etc., shall be in simple understandable language. Required notifications are: (Continued)

.8 Notification of Potential Transitional Child Care Program Eligibility

.81 All recipients shall be notified of their potential eligibility for benefits under the Transitional Child Care program when they become ineligible for AFDC due to:

.811 Increased earned income due to employment;

.812 Loss of the time limited income disregards;

.813 Increased hours of employment; or

.814 Failure to submit a completed monthly report when it can be proven that the family would also have been discontinued due to increased hours, increased income or loss of the earned income disregards.

.82 The county welfare department shall provide the informational materials required under Welfare and Institutions Code Section 11502 and the telephone number of the resource and referral agency at the time of termination of aid and at other times as requested.

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.821 Welfare and Institutions Code Section 11502 states in part:

The informational materials developed pursuant to paragraph (1) shall be written in language that the eligible population can read, and shall include information about all of the following:

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- (A) Child care services under the transitional child care program.
- (B) Services provided by resource and referral agencies.
- (C) The availability of subsidized child care programs and how to apply for child care through those programs.
- (D) Choosing child care providers and programs.

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Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10613, 11209, 11500(b), 11502(a) and (b), and 11511(a), Welfare and Institutions Code; 45 CFR 250.20; 45 CFR 250.40(b); 45 CFR 255.1; 45 CFR 256.1(b); and 45 CFR 256.2(b)(1).

.2 (Continued)

.22 (Continued)

.221 Assist participants in locating child care necessary for participation in GAIN. In so doing, the CWD shall: (Continued)

.23 (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10613, 11209, 11320.3(f), and 11500(c)(1), Welfare and Institutions Code; and 45 CFR Part 256.

Amend Handbook Section 47-101 to read:

DIVISION 47 FAMILY SUPPORT PROGRAMS

CHAPTER 47-100 TRANSITIONAL CHILD CARE

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47-101 INTRODUCTION TO TRANSITIONAL CHILD CARE

47-101

Transitional Child Care (TCC) was mandated by the Family Support Act of 1988. It provides funding for child care to former AFDC recipients for up to 12 months when certain eligibility criteria are met. The objective of TCC is to assist families transitioning to self sufficiency and independence from welfare. This is accomplished by partially paying for child care while a family member is working.

The Legislature finds and declares that transitional child care is crucial for working families who are undergoing the difficult transition from aid to families with dependent children to independence. The cost of child care is known to be one of the most formidable barriers to permanent independence for low-income families with young children. Without adequate child care, many low-income families will be unable to remain independent even after finding employment. Therefore, it is in the state's financial best interest to increase the probability that all families entitled to this benefit receive it and that disruptions of child care aid be minimized.

The coordination of GAIN child care services and transitional child care is of paramount importance. For GAIN participants who become immediately eligible for transitional child care services upon employment, coordination of the child care services is necessary to ensure continuity of care throughout the transition period. Continuity of care is important both to enable the parents to maintain their employment and to contribute to a stable environment for their children. It is more efficient to use existing GAIN systems and procedures, where allowed under federal law, to administer the transitional child care program. Requiring counties to build on their GAIN child care programs in administering the transitional child care program will minimize the need for families and service providers to learn new rules and procedures that often interfere with making services truly accessible to families and smoothly delivering those services.

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Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10613, 11209, 11500(a) and (c), and 11511(a), Welfare and Institutions Code; and 45 CFR Part 256.

Amend Section 47-102 to read:

47-102 DEFINITIONS

47-102

The following definitions pertain only to Chapter 47-100. The definitions shall be used in conjunction with the balance of the Transitional Child Care program regulations and do not stand alone.

- (a) "Date of Receipt" means the postmarked date for the material that is mailed or the actual date for material that is delivered by hand ~~or telephoned in~~. This includes the date that telephone contact is made.
- (b) "Eligibility Period" means the 12 consecutive calendar months for which TCC payments may be received beginning with the first day of the first calendar month of ineligibility for federal AFDC.
- (c) "Exempt from Licensing" means a child care provider who ~~is not required to obtain a day care license because:~~
 - 11) ~~The child care provider cares for the children of only one family in addition to his/her own children~~
 - 12) ~~The child care provider is related to the children for whom care is given, or~~
 - 13) ~~The child care provider is a school district which operates an after school program~~
 - (1) provides care in the child's home or another location, and,
 - (2) is not required to obtain a day care license.

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- (A) Examples of when a day care license is not required.
 - (i) The nonrelative child care provider cares for the children of only one family in addition to his/her own children;

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(ii) The child care provider is related to the children for whom care is given; or

(iii) The child care provider is a public or private school or recreation program.

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(d) "Family Fee" means the TCC family's monthly share of cost for child care.

~~(e) "Good Cause" means a compelling reason for terminating employment based on the reasons specified in the AFDC and GAIN programs, as specified in sections 41-440/264 and 42-782/ or other reasons as determined by the county.~~

~~(f) "Income" means the gross monthly earned income of all members in the TCC family.~~

(ge) "Payment Plan" means a written document ~~signed by the child care provider and TCC family~~ which outlines the TCC family's methods for paying delinquent family fees. ~~and it must specify the terms of payment, the monthly amount of payment and the time period over which the payment is to be made.~~

(hf) "Regional Market Rate" means the costs of child care in each county differentiated by age of child and type of care.

(ig) ~~Reimbursement~~ "Rate Ceiling" means the 75th percentile of the regional market rate or the 100th percentile of the regional market rate when the region has no more than two providers giving that age and category of care.

(jh) "TCC" means the Transitional Child Care program.

(ki) "TCC Child" means the child for whom TCC program benefits have been requested or are being received.

(lj) "TCC Family" means the persons included when establishing the family size and determining income for computing the family fee.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10613, 11209, and 11511(a), Welfare and Institutions Code; and 45 CFR Parts 255 and 256.

Amend Section 47-105 to read:

47-105 APPLICANT RESPONSIBILITIES

47-105

.1 Time and Place of Request for TCC Program Benefits

- .11 The applicant shall submit a request for TCC program benefits in the county of residence.
- .12 When the date of receipt of the request for TCC program benefits is later than the last day of the eligibility period, the request shall ~~not~~ be ~~approved~~ denied.

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- .121 Example: The family becomes ineligible for AFDC on May 1, 1990. The eligibility period begins on that date and ends on the last day of April 1991. ~~Therefore the~~ The applicant must request TCC program benefits no later than April 30, 1991.

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- .13 The applicant shall be permitted to submit the request for TCC program benefits prior to the family's discontinuance from AFDC.
- .2 Written Request for TCC Program Benefits
 - .21 The applicant shall always submit a written request.
 - .211 The applicant shall be permitted to submit the written request for TCC program benefits by mail.
- .3 Verbal Request for TCC Program Benefits
 - .31 The applicant shall be permitted to request TCC program benefits verbally when ~~the following conditions are met:~~
 - .311 The family received AFDC in the same county from which TCC program benefits are requested, and
 - .312 The family makes the verbal request for TCC program benefits no later than the seventh calendar days ~~after the beginning~~ of the eligibility period.

.32 In order to receive timely determination the applicant making the verbal request shall nonetheless submit the written request for TCC program benefits:

.321 Within ten calendar days of the verbal request; or

.322 Within four calendar days of the verbal request when the verbal request includes a request for an advance payment.

.4 Face-to-Face Interview

.41 The applicant shall attend a face-to-face interview ~~when determined necessary by the county~~ to determine program eligibility when gathering of the information or verification cannot be accomplished by mail or other means.

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.411 Example: The county may require a face-to-face interview when:

- (a) ~~When~~ The family received AFDC in a different county or state;
- (b) ~~When~~ The family received TCC in a different county or state; or
- (c) ~~When~~ Information needed to determine eligibility is not contained in the AFDC or TCC case files.

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.412 To the extent possible, when a face-to-face interview is necessary, the county shall schedule the interview at a time that does not disrupt the applicant's employment.

.5 Submittal of Information

.51 When the county does not have valid verification already available in the AFDC case file, the applicant shall provide the following information required to determine program eligibility/ ~~including but not limited to~~:

.511 Proof of employment of the TCC family member whose employment results in ineligibility for AFDC;

.512 Duration of receipt of AFDC;

- .513 Proof of or application for a social security number for each member of the TCC family who would be included in the assistance unit if the family were receiving AFDC;
 - .514 Proof of the ages of the TCC children;
 - .515 Missing or incomplete monthly reports which caused discontinuance from AFDC; and
 - .516 Proof of ~~legal residence status~~ United States citizenship, national, or eligible alien status, as defined in Sections 42-431 and 42-433, for those who would be included in the assistance unit if the family were receiving AFDC.
- .52 The applicant shall provide information required to determine the family fee, including:
- .521 Gross earned income; and
 - .522 TCC family composition.
- .6 Penalty of Perjury
- .61 The applicant shall sign under the penalty of perjury that the information submitted with the written request for TCC program benefits is true and correct to the best of his/her knowledge.
- .7 ~~When~~ Request for TCC Program Benefits ~~Is~~ After Denial
- .71 If the request for TCC program benefits is denied, the applicant shall be permitted to request TCC program benefits again at any time during the TCC eligibility period.

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- .711 Example: At the time ~~the~~ of request for TCC program benefits ~~was submitted,~~ the family only had ~~only~~ one child who was 13 in the home. The request for program benefits was denied. Two months later, a seven-year-old child returns to the home. The family may submit a new request for TCC program benefits. The family now meets all eligibility requirements and is eligible for TCC program benefits during the remaining months in its eligibility period.

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- .712 Example: The family makes a verbal request for TCC program benefits. The county confirms receipt of the verbal request in writing, sends the written request form and advises the family of the requirement to submit the written request form in ten days. The family does not submit the written request in ten days. The county sends a denial notice to the family. Two months later, the family submits a written request for TCC program benefits. The written request will be considered a new request for TCC program benefits.

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- .8 The applicant shall assume ~~the~~ as much responsibility as possible within his/her physical, emotional, educational or other limitations for providing information necessary to determine eligibility.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10603, 11102, 11209, 11500(d)(2), 11503, 11505, 11507, and 11511(a), Welfare and Institutions Code; 45 CFR 255.4(h), (i), and (j); 45 CFR 256.1(a)(4) and (b); 45 CFR 256.2(a), (b)(2), (b)(3), and (c); and 45 CFR 256.3(a) and (b); and 45 CFR 256.4(b).

Amend Section 47-110 to read:

47-110 COUNTY RESPONSIBILITIES

47-110

.1 General

- .11 The county shall inform ~~the~~ applicants of ~~his/her~~ their rights, responsibilities and potential TCC program benefits.
- .12 The county shall assist ~~the~~ applicants in understanding ~~his/her~~ their rights and responsibilities in relation to the request for TCC program benefits.
- .13 The county shall provide the supportive services as specified in Welfare and Institutions Code Section 11501.

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- .131 Welfare and Institutions Code Section 11501 states in part:

Transitional Child Care services shall include the same services as those child care supportive services provided under subdivision (g) and paragraphs (1), (2), and (5) of subdivision (h) of Section 11320.3, except for those portions which are specifically prohibited by federal law or regulations.

(b) To the extent permissible under federal law and regulations, transitional child care supportive services provided pursuant to subdivision (g) and paragraphs (1), (2) and (5) of subdivision (h) of Section 11320.3 shall be provided by the county in the same manner as they are provided to families in the county GAIN program. The county may contract out with public and private child care programs to provide any or all of the services.

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.132 Welfare and Institutions Code Section 11320.3 states in part:

(g) Each county welfare department shall be encouraged to contract with existing service providers for any or all child care services arrangements. If the county welfare department elects to contract with any child care provider which is also under contract with the State Department of Education, those contracts shall be consistent with, and shall not supersede, all of the following:

(1) Chapter 2 (commencing with Section 8200) of Part 6 of the Education Code.

(2) Applicable provisions of Title 5 and Title 22 of the California Code of Regulations.

(3) Applicable State Department of Education contract provisions.

(h) In order to provide maximum choice to parents, and to ensure the availability of child care, each county shall do all of the following:

(1) Assist participants to locate child care during and after participation under this article.

(2) Allow and promote parent choice by providing flexibility in child care arrangements and establishing payment arrangements, as necessary, to meet the cost of licensed or exempt child care settings.

(5) Provide child care to participants whose program demands flexible hours of care including evening, weekends, and split shifts.

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.14 The county shall inform applicants of the consequences of failure to provide information in a timely manner such as changes in county of residence or providers which could result in delay of issuance of benefit payments.

.2 Eligibility Determination

- .21 The county shall be responsible for determining if the applicant meets the eligibility requirements.

.3 TCC Case File

- .31 The county shall establish a TCC case file.

- .311 The AFDC case file shall be ~~accessible~~ used when the county is determining eligibility ~~based on information in the AFDC case record.~~

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- .312 The county may retain a TCC case file within the AFDC file to eliminate duplication of records.

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- .32 The county shall retain TCC case files in accordance with normal practices for records retention of public assistance cases, as specified in Manual of Policies and Procedures Chapter 23-350.

.4 Verifications

- .41 The county shall verify all elements of TCC program eligibility.

- .411 The county shall not reverify any information contained in the AFDC or TCC case file when the ~~county determines~~ the verification is still valid.

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- (a) Example: The county has a copy of a birth certificate in the AFDC case file for a child for whom TCC program benefits are requested. The county does not request another copy of the birth certificate from the family in order to verify the child's age.

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.5 Action on Requests for TCC Program Benefits

- .51 Verbal Requests for TCC Program Benefits

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.511 The county shall document the date of the verbal request for TCC program benefits in the TCC case file.

.512 The county shall transmit to the applicant acknowledgement of the verbal request in writing and send a written request form to the applicant within two working days of receiving the verbal request.

.513 When verbal requests are permitted, the county shall grant or deny the request within 30 calendar days of its date of receipt, provided the applicant has submitted the written request within the required time period ~~required~~, as specified in Section 47-105.32.

1512 ~~When the family has not submitted the written request within the time period required~~

1a) ~~No action shall be taken until the written request for program benefits is received.~~

1b) ~~The number of calendar days the family is late in submitting the written request for program benefits shall be added to 30 calendar days to determine the date by which the county must grant or deny the verbal request.~~

.52 Written Requests for TCC Program Benefits

.521 The county shall grant or deny the request for TCC program benefits within 30 calendar days of the date of receipt by the county.

.522 The county shall notify the TCC family by the tenth calendar day after the date of receipt of the request for TCC program benefits if additional information is needed to determine eligibility.

.523 The county shall deny the request for program benefits if the applicant has not provided the information needed to determine eligibility by the 20th calendar day after the county's original receipt of the request for TCC program benefits.

.53 Advance Payment Request Submitted With Request for Program Benefits

.531 The county shall grant or deny the request for TCC program benefits within seven calendar days of its receipt when:

- (a) The request for TCC program benefits is accompanied by a request for advance payment; and
- (b) The family has met all requirements pertaining to the request for TCC program benefits.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10613, 11209, 11320.3, 11500(b), (c), and (d), 11501(a) and (b), 11503, 11504, and 11511(a), Welfare and Institutions Code; 45 CFR 250.20; 45 CFR 255.1; 45 CFR 255.3(a)(3); 45 CFR 255.4(i)(1) and (2); and 45 CFR 256.1, .2, and .4.

Amend Section 47-120 to read:

47-120 PROGRAM ELIGIBILITY

47-120

- .1 A family shall meet the following conditions to be eligible for TCC:

~~/11 The family is not receiving AFDC/~~

.121 The family became ineligible for federal AFDC on or after April 1, 1990.

.12 The family shall be ineligible for federal AFDC as a result of:

.121 Increased hours of employment; or

.122 Increased income from employment; or

.123 Loss of earned income disregards due to the time limitations; or

.124 Failure to submit the monthly income report, if the family is able to prove they also met one of the conditions as specified in this subsection.

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- (a) Example: The caretaker relative found employment in May and did not submit the May CA 7 because she believed the family would no longer be eligible for AFDC. She decides she needs help paying her child care costs and submits a request for TCC program benefits. In order for the county to determine eligibility, she completes the outstanding May CA 7. The county determines based on the CA 7 that the family would have been AFDC ineligible due to increased income had the CA 7 been submitted timely; therefore, the family is eligible to TCC program benefits.

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(b) Example: Same situation as above, except the county determines based on the CA 7 that the family would have been eligible for a \$15 AFDC grant in May. The family would not have been ineligible for AFDC due to increased income or hours of employment, or loss of the time limited income disregards; therefore, the family is not eligible for TCC program benefits in May.

(c) Example: The caretaker relative reports by telephone on June 3 that she has inherited a vehicle which the county determines has a value over \$1500 with no encumbrances. The value of the vehicle plus the other property of the family now makes the family ineligible for AFDC due to excess property. AFDC is discontinued June 30. On June 21 the caretaker relative again calls to advise the county that she has gone to work and wants to apply for TCC benefits. The county determines that her wages would make the family ineligible effective July 1. The county would have discontinued the case June 30 for increased earnings even if there had been no increase in the family's property. Therefore, the family is eligible for TCC benefits effective July 1 assuming all other TCC eligibility conditions are met.

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.13 The TCC family shall have been eligible to, and shall have received federal AFDC in at least three of the six months immediately preceding the first month of AFDC ineligibility.

.131 A suspense month or a zero basic grant month counts as a month in which AFDC was received. A month in which the family was eligible to an AFDC grant of less than \$10 counts as a month in which AFDC was received.

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10Y

.132 Example: A family is discontinued from AFDC in June and is ineligible for AFDC in July. The family was on AFDC in January, March and June. The family is eligible for TCC program benefits.

10Y

.133 Example: A family is discontinued from AFDC in June and is ineligible for AFDC in July. The family was on AFDC in April, May and June. The family is eligible for TCC program benefits.

10Y

.134 Example: The family received AFDC for 12 months in Year X and then is discontinued from AFDC on December 31, Year X. The family submits a request for TCC program benefits. The family is eligible for and receives TCC beginning January 1, Year Y. The caretaker is laid off the job and returns to AFDC effective March 1. The family receives AFDC through April 30 and is then discontinued due to increased earnings. The family submits a new request for TCC program benefits. The family meets the "three-of-the-last-six-months" requirement because the family received AFDC in December, Year X and in March and April in Year Y. If all eligibility requirements were met, the family would qualify for a new eligibility period commencing May 1.

10Y

.135 Example: The family received AFDC only in January and June and July. The family is discontinued effective August 1 and submits a request for TCC program benefits. The family does not meet the "three-of-the-last-six-months" requirement and is not eligible for TCC program benefits.

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.136 Example: A family received AFDC only in January, February and March. However, the only AFDC child left the home at the end of February. The family failed to contact the county. The March payment resulted in an overpayment. The family does not meet the three of the last six months' requirement and is not eligible for TCC program benefits.

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.14 The family shall have a child who ~~is eligible for TCC program benefits~~ meets a condition in each of Sections 47-120.141 and .142.

.141 ~~A~~ The child ~~shall be eligible if he/she:~~

- (a) Was in the AFDC assistance unit (AU); or
- (b) Was born or moved into the household after TCC program benefits began and would have been in the AFDC AU; or
- (c) Receives benefits under federal foster care; or
- (d) Receives benefits under Supplemental Security Income/State Supplementary Payment (SSI/SSP) program.

.142 A child ~~shall be eligible if he/she is:~~

- (a) Under the age of 13; or
- (b) Physically or mentally incapable of caring for himself/herself based on a written statement of a physician or a licensed or certified psychologist or receipt of SSI/SSP and shall meet the age requirements under the AFDC program, as specified in Chapter 42-100; or
- (c) Under court supervision as specified in Welfare and Institutions Code Section 601 or 602 and shall meet the age requirement under the AFDC program, as specified in Chapter 42-100.

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- (1) ~~For Example:~~ A family who ~~meets~~
~~eligibility requirements~~ is otherwise
eligible for TCC program benefits has
a 14-year-old child who was adjudged
to be a status offender as specified
in Welfare and Institutions Code
Section 601. The child is returned to
~~his/her~~ the family but remains under
court supervision. The family
qualifies for TCC program benefits for
the 14-year-old child.

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- .143 The child shall be eligible for TCC program
benefits for the entire month ~~when he/she is~~ if
eligible on the first of the month.

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- (a) Example: The family's only child turns 13
on July 20. As the child was eligible on
July 1, the family is eligible for TCC
program benefits for the month of July.

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- .144 The child shall be eligible for TCC program
benefits for only those days eligibility
conditions are met when the child does not meet
eligibility conditions on the first day of the
month.

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- (a) Example: The mother of the TCC family has a
baby on July 5. The mother returns to work
on July 25 and places the baby in child
care. The baby is eligible for TCC program
benefits on July 25.

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.145 The child for whom TCC program benefits are requested shall be living in the TCC family's home.

(a) The determination of whether the child is living in the home of the TCC family shall be consistent with the determination made in AFDC of whether a child is living in the home of a caretaker relative, as specified in Section 44-203.2.

.146 The child is not concurrently in an AFDC assistance unit.

.15 The family shall require child care:

.151 To permit a member of the former AFDC family to accept or retain employment; and

.152 Because an adult in the TCC family is not available to care for the child.

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(a) The mother of the TCC family is employed full-time. The father in the home attends the local community college full-time. The county makes the determination that the father is not available to care for the children as he is in school. The family is eligible for TCC benefits.

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.16 The TCC family shall:

.161 ~~Cooperate in establishing child support payments and enforcing child support obligations for the children for whom TCC program benefits are requested~~ with the District Attorney for all children who were or would have been in the assistance unit at the time of AFDC discontinuance:

(a) In establishing paternity and securing child support payments. The county shall use the AFDC criteria for establishing paternity and securing child and spousal support as specified in Section 43-107.1.

(b) In complying with District Attorney requests for completion of forms or submission of verbal, written or documentary information. The TCC family shall meet the requirements relating to cooperation and submission of forms as specified in Sections 43-107.2 through 43-107.25.)

.162 Not be required to assign child support rights to the county.

.2 In determining whether the family has met the requirement of child support cooperation:

.21 The county shall:

.211 Take no further action to establish the family's cooperation when it has already been determined that the family had been cooperating while on AFDC and the documents are still valid.

.212 Obtain child support documents when the county determines that cooperation has not been established.

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.213 Examples of when child support documents are and are not needed:

(a) Example: The family requests TCC program benefits in the same county in which it received AFDC. All documents pertaining to the absent parent are in the AFDC file. No additional information is required to be submitted by the family.

(b) Example: The family requests TCC program benefits in a different county than the one in which it received AFDC. The county does not have the AFDC file. The family is required to submit a complete absent parent questionnaire and notice and agreement form.

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- (c) Example: A father is receiving TCC program benefits for two of his children. A 15-year-old child returns from foster care. The 15-year-old has a different mother than the other children. The county obtains the absent parent questionnaire and notice and agreement for this new child.

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- .22 When the TCC family requests benefits and the caretaker relative was under sanction for refusal to cooperate at the time of AFDC discontinuance, the family shall have the opportunity to cooperate in establishing child support payments.
- .23 The TCC family shall have the right to claim good cause for refusal to cooperate. The county shall use the good cause criteria as specified in Sections 43-107.4 through 43-107.465, excluding Section 43-107.462(b).
- .231 The county shall not deny, delay, or discontinue TCC program benefits for the family pending a determination of good cause for refusal to cooperate provided the family has provided all of the corroborative evidence required by the county to establish good cause.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10613, 11209, 11501(a), and 11511(a), Welfare and Institutions Code; 45 CFR 206.10; 45 CFR 232.12; 45 CFR 233.90; 45 CFR 255.4(f)(2); and 45 CFR 256.2 and .4.

Amend Sections 47-125.121, .122, and .21 to read:

47-125 ELIGIBILITY PERIOD

47-125

.1 The eligibility period:

- .11 Begins on the first day of the first month the family is ineligible for federal AFDC; and
- .12 Continues for 12 consecutive calendar months.

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- .121 Example: A family member finds employment on September 15. The family is ineligible for AFDC effective ~~September 30~~ October 1. The family's eligibility period is from October 1 through September 30 of the following year.
- .122 Example: Same situation as above. ~~In the above example/~~ The family works from October 1 through March 30 of the following year, at which time the employed family member is laid off. The family returns to AFDC in April, but is discontinued effective ~~June~~ May 31, because the family member returns to the former position on June 1. The family meets all eligibility requirements and receives TCC program benefits from June 1 through September 30, which is the balance of its original eligibility period. The family does not receive TCC program benefits in April or May, since ~~if the~~ TCC child was receiving AFDC. The family does not qualify for a new eligibility period because they did not receive AFDC in three of the last six months.

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- .2 The family shall be eligible to receive TCC program benefits during the eligibility period when all program and payment eligibility requirements, as specified in Sections 47-120 and 47-145, are met and the family has proof of expenses.
- .21 TCC program benefits shall be paid retroactively for those months of the eligibility period when all requirements were met ~~in a prior month of the eligibility period~~.

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- .211 Example: A family is eligible for TCC program benefits beginning in April. The family does not request TCC program benefits until July. Eligibility is determined and the family is able to show proof of child care expenses in April, May and June. Benefits will be paid retroactively for April, May and June.

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- .3 A new eligibility period shall be established whenever the requirement of receipt of federal AFDC in three of the last six months is met.

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- .31 Example: The family received TCC program benefits for three months. The mother lost her job, and the family returned to AFDC. After receiving AFDC for three months, the mother found another job which caused the family to be discontinued from AFDC. The mother requests TCC program benefits and is eligible for a new eligibility period.

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Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10613, 11209, 11501(a), and 11511(a), Welfare and Institutions Code; and 45 CFR 256.2(c) and (e)(2).

Amend Section 47-130 to read:

47-130 FAMILY FEE DETERMINATION

47-130

- .1 The family fee assessed shall be based on:
 - .11 The number of persons in the TCC family; and
 - .12 The TCC family's gross earned income.
- .2 The TCC family shall include all of the following when living in the same home as the child for whom TCC program benefits are requested:
 - .21 Persons whose employment resulted in ineligibility to federal AFDC.
 - .22 Persons who were in the AFDC assistance unit when the family was on aid.
 - .23 Persons who are born or move into the home and would have been in the AFDC assistance unit.
 - .24 Persons who are legally responsible for any person who was or would have been in the assistance unit and any of their dependents living in the home.
 - .25 Siblings and half-siblings of the TCC child who were not in the assistance unit and who are under the age of 21.
 - .26 Children who are receiving federal AFDC foster care and who are under the age of 18.
 - .27 Children who are receiving Supplemental Security Income/State Supplementary Payment (SSI/SSP) program and who are under the age of 18.

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.28 Examples of Family Composition Determinations.

- .24~~8~~1 Example: A senior parent, minor parent and the minor's infant share a home. The minor parent and infant received AFDC. The senior parent's income was deemed to the family when the minor parent and infant received AFDC. The minor parent finds employment, is discontinued from AFDC and requests ~~for~~ TCC program benefits. The senior parent is included in the TCC family.

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.2482 Example: A mother and two children received AFDC. A step-father and his separate child share the home, and the step-father's income was deemed to the family while the mother received AFDC. The family is discontinued due to the employment of the mother. The mother, two children and the step-father and his separate child are included in the TCC family.

.2483 Example: An undocumented alien mother received AFDC on behalf of her two citizen children. The undocumented alien mother finds employment. Her children are discontinued from AFDC and she applies for TCC. The undocumented mother and her two children are included in the TCC family.

.25184 Example: A child was excluded from the assistance unit while the family received AFDC due to his undocumented alien status. This child is included in the family under TCC to determine TCC family fee and size. However, this child is not eligible for a TCC payment because he/she does not meet the program eligibility requirements are not met.

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.3 Income

.31 Income is the gross monthly earnings of all members of the TCC family excluding the gross monthly earnings of a student under the age of 18 who is not the parent of a TCC child. It does not include earned in-kind income.

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.3121 Example of determining income: A TCC family is paid \$1000 per month for farm work. The family is also provided housing with an in-kind value of \$200 per month. The income is \$1000 per month. Do not count the \$200 in-kind housing in the family's gross earned income amount.

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.3122 Gross monthly earnings for self-employed TCC family members shall be determined in accordance with the AFDC program, as specified in Section 44-113.212.

.32 The TCC family's anticipated, average monthly income shall be determined at the time of submission of a request for benefits.

.321 The county shall determine the family's anticipated, average monthly income based on income information from the most recent month the family has available.

(a) If the TCC family is unable to verify its monthly income at the time of written request, the county shall make its best estimate of the family's anticipated, average monthly income based upon the family's statement and information in the AFDC case file.

.33 The TCC family's anticipated, average monthly income shall be redetermined based on the following:

.331 The income information for each of the first three months of the eligibility period, unless the family submits a request for TCC program benefits after the third month of the eligibility period.

.332 The income information for any other ~~three~~ months of the eligibility period immediately preceding a request for a voluntary family fee recomputation by the family.

134. ~~Averaging Income~~

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.34 Examples of determining anticipated, average monthly income:

.341 When more than one month's income information is submitted, it shall be averaged to determine a monthly income. A family requests TCC program benefits in the first month of its eligibility period and submits income information from the most recent month it has available, but is unable to verify anticipated earnings. The county makes its best estimate of the family's average, anticipated monthly income based on the family's statement.

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.342

Example: The family requests TCC in the sixth month of the eligibility period. The family submits three months of income information covering the third through fifth month of the eligibility period. The county divides this three months of income by three to determine the monthly income. A family wage earner is employed as a waitress at a restaurant. She submits three months of income information to have her family fee redetermined for her second six months of eligibility. The report shows that her income from the first month was \$1200, second month was \$1500, and third month was \$1400. The county determines that the family's income will continue to fluctuate because of the type of work. The three months of income information is averaged to \$1366 per month in order to determine the anticipated, average monthly income.

.343

Example: A family voluntarily requests a family fee recomputation in the eighth month of the eligibility period. The family submits income information from the seventh month of the eligibility period and explains that the primary wage earner lost a shift differential. Upon review, the county determines that the lower income level is anticipated to continue. The county established the anticipated, average monthly income based on the lower income level reflected in the seventh month.

.344

Example: A family requests a recomputation of their family fee in the fifth month of the eligibility period. The family submits the most recent month of income information and the statement received from the employer that the hours are to be cut back beginning in the sixth month on a permanent basis. Although the most

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recent month of actual income information does not yet reflect the cutback, the county determines the family fee recomputation based on the statement from the employer. The anticipated, average monthly income is based on the lower income level. The county uses this same information to determine the anticipated, average monthly income for the second six months of the eligibility period.

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- .4 The county shall use the current State Department of Education (SDE) Family Fee Schedule modified by the State Department of Social Services (SDSS) for the TCC program in accordance with Welfare and Institutions Code - Section 11506(b) and is hereby incorporated by reference.
 - .41 SDSS has modified the Family Fee Schedule by:
 - .411 Converting the family fee to a monthly amount.
 - .412 Using the fee for part-time child care for all families.
 - .413 Eliminating any income eligibility test.

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.42 Family Fee Schedule

FAMILY FEE SCHEDULE Effective 4/1/90										
Monthly Fee	Number in Family									
	1-3	4	5	6	7	8	9	10	11	12+
	MONTHLY INCOME LEVEL									
\$ 21.00	\$1190	\$1417	\$1643	\$1870	\$1913	\$1955	\$1998	\$2040	\$2083	\$2125
25.00	1238	1473	1709	1945	1989	2033	2077	2122	2166	2209
29.00	1285	1530	1774	2020	2066	2111	2157	2203	2249	2294
36.00	1333	1586	1840	2094	2142	2190	2237	2285	2332	2379
42.00	1380	1643	1906	2169	2219	2268	2317	2366	2416	2464
48.00	1428	1700	1972	2244	2295	2346	2397	2448	2499	2549
55.00	1476	1756	2037	2319	2372	2424	2477	2530	2582	2634
61.00	1523	1813	2103	2394	2448	2502	2557	2611	2666	2719
67.00	1571	1870	2169	2468	2525	2581	2637	2693	2749	2804
74.00	1618	1926	2234	2543	2601	2659	2717	2774	2832	2889
80.00	1666	1983	2300	2618	2678	2737	2797	2856	2916	2974
86.00	1714	2040	2366	2693	2754	2815	2876	2938	2999	3059
96.00	1761	2096	2432	2768	2831	2893	2956	3019	3082	3144
105.00	1809	2153	2497	2842	2907	2972	3036	3101	3165	3229
114.00	1856	2210	2563	2917	2984	3050	3116	3182	3249	3314
124.00	1904	2266	2629	2992	3060	3128	3196	3264	3332	3399
133.00	1952	2323	2695	3067	3137	3206	3276	3346	3415	3484
143.00	1999	2380	2760	3142	3213	3284	3356	3427	3499	3569
152.00	2047	2436	2826	3216	3290	3363	3436	3509	3582	3654
162.00	2094	2493	2892	3291	3366	3441	3516	3590	3665	3739
171.00	2142	2550	2957	3366	3443	3519	3596	3672	3749	3824
181.00	2190	2606	3023	3441	3519	3597	3675	3754	3832	3909
190.00	2237	2663	3089	3516	3596	3675	3755	3835	3915	3994
200.00	2285	2720	3155	3590	3672	3754	3835	3917	3998	4079
209.00	2332	2776	3220	3665	3749	3832	3915	3998	4082	4164
218.00	2380	2833	3286	3740	3825	3910	3995	4080	4165	4249

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.5 Instructions for using the Family Fee Schedule

- .51 Select from columns 1 through 12 the column appropriate for family size.
- .52 Find the monthly TCC family income in that column by:
 - .521 Locating the upper and lower figures into which the TCC family income falls; and
 - .522 Using the figure which is the lower amount.
- .53 A family fee is assessed which corresponds with the Monthly Fee in the left-hand margin.
 - .531 Example: A family of four persons has gross monthly earnings of \$1689. Find the family size under column 4. In this case, \$1689 is between \$1643 and \$1700. The family fee which corresponds with \$1643 is used. The monthly family fee is \$42.

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.6 Family Fee Requirement

- .61 A minimum family fee equal to the lowest Monthly Fee on the Family Fee Schedule shall be paid by a TCC family whose income is less than the lowest income for their family size.
- .62 A maximum family fee equal to the highest Monthly Fee on the Family Fee Schedule shall be paid by a TCC family whose income is higher than the highest income for their family size.
- .63 The family shall pay the monthly family fee that has been assessed ~~directly to the provider each month~~.
 - .631 The family shall pay its family fee to one provider it chooses and the family shall inform the county of this choice when:
 - (a) The county issues the TCC payment directly to the provider; and
 - (b) The family uses more than one provider; and
 - (c) The family is required to pay its family fee to the provider.

.7 ~~Initial~~ Family Fee

.71 When a family requests TCC program benefits within the first three months of its eligibility period:

.711 ~~The family fee in effect for the first six months of the eligibility period shall be:~~

(a) ~~Based on TCC family size and income information submitted with the request for TCC program benefits shall be in effect for the first six months of the eligibility period, unless the family requests a family fee recomputation.~~

~~181~~

.712 The family fee in effect during the second six months of the eligibility period, unless the family requests a family fee for recomputation, shall be:

(a) ~~Based on income as specified in Section 47-130.331 from the first three months of the eligibility period shall be in effect during the second six months of the eligibility period, unless the family requests a family fee recomputation.~~

.72 When a family requests TCC program benefits in the fourth through twelfth month of its eligibility period the family fee shall be:

.721 ~~Based on TCC family size and income information submitted with the request for TCC program benefits shall be and~~

.722 ~~In effect for the entire eligibility period, unless the family requests a family fee recomputation.~~

.8 Recomputation of Family Fee

.81 The family fee shall be recomputed upon the request of the family.

.82 The TCC family shall be permitted to request a family fee recomputation at any time during the eligibility period.

~~1821~~ The family shall submit TCC family size information and income information for each of the three months of the eligibility period preceding the request in order to receive a family fee change.

.82~~2~~1 A family fee change requested by the TCC family becomes effective the first of the month following receipt by the county of 30 calendar days after the family size and the income information as specified in Section 47-130.332 upon which the recomputation is based/ is received.

.83 The family fee shall be unchanged during the interval between recomputations.

.9 The county shall verify the information upon which the family fee determination is based.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10613, 11209, 11320.3(f), 11501(a) and (c), 11506, 11507, 11509, and 11511(a), Welfare and Institutions Code; 45 CFR 256.0; 45 CFR 256.2(a); and 45 CFR 256.3(a), (b), and (d).

Amend Section 47-140.2 to read:

47-140 ELIGIBLE PROVIDERS

47-140

- .1 The TCC family shall be permitted to choose the child care arrangement.
- .2 The TCC family shall be eligible for TCC payment only when the provider ~~meets all of the following conditions:~~
 - .21 ~~The child care provider shall be~~ Is 18 years old or older; and
 - .22 ~~The child care provider shall~~ Is not be a parent or legal guardian of the TCC child; and
 - .23 ~~The child care provider shall~~ Is not be a member of the TCC family; and
 - .24 ~~The child care provider shall have~~ Has a day care license or ~~be~~ is exempt from licensing.
 - .241 At the time of request for TCC program benefits the county shall explain the licensing requirement to the family.
 - .242 The county shall accept the family's written certification that the provider meets this requirement.

Authority Cited: Sections 10553, 10554, and 10604 Welfare and Institutions Code.

Reference: Sections 10613, 11209, 11320.3(h)(2), 11501(a), 11509, and 11511(a), Welfare and Institutions Code; 45 CFR 255.3(c); 45 CFR 255.4(c)(2) and (f)(2); 45 CFR 255.5(a) and (b); and 45 CFR 256.4(a) and (b).

Amend Section 47-145.1 to read:

47-145 PAYMENT ELIGIBILITY

47-145

- .1 The county shall only issue a TCC payment when the child care hours utilized are reasonably related to the hours worked.
- .11 Reasonably related hours shall be based on a provider's standard billing practice for nonsubsidized child care.
- .12 When hours are not reasonable, pay only for those that are reasonable.

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.13 Examples of Determinations of Reasonably Related Hours

- .1~~1~~31 Example: A day care provider charges all families based on a weekly rate. The provider charges for any days the TCC child is absent, regardless of the reason (i.e., holidays, sick days and vacation). The provider also charges for days the parent is on holiday. Since this is the provider's billing practice for nonsubsidized families, a request for payment which includes these days meets the reasonably related requirement.
- .1~~1~~32 Example: A provider charges all families based on an hourly rate. The provider only charges for hours of care provided. The TCC child attends school and needs only after-school care. The county would compare the hours worked to the hours of care, taking into consideration the time the child is in school.

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- .133 Example: A provider charges all families based on an hourly rate. The parent works from 4 p.m. to 12 a.m. The provider charges for nine hours of child care, because the parent leaves the child in care a half hour before starting work and a half hour after ending the work shift. The county would compare the hours worked including transportation time to the hours of care. A request for payment for nine hours of care would meet the reasonableness standard.

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Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Section 10613, 11209, 11320.3(h)(5), 11501(a) and (c), 11508(a), and 11511(a), Welfare and Institutions Code; 45 CFR 255.1(e)(4); and 45 CFR 256.1(b).

Amend Section 47-150 to read:

47-150 PAYMENT INELIGIBILITY

47-150

.1 Delinquent Family Fee

.11 The TCC family shall be ineligible to receive payment of child care expenses when the family is delinquent in the payment of its family fee.

.12 The TCC family fee payment shall be considered delinquent on the date the county becomes aware that the TCC family:

.121 Has not paid its family fee and the family fee is past due; or

.122 Has not honored its approved payment plan.

.13 When the TCC family is delinquent in paying its family fee, a notice of action shall be used to inform the TCC family of the termination of TCC program benefits on the first day of the month following 30 calendar days after the notice is issued/ ~~in the following instances when:~~

.131 ~~If~~ ~~The~~ TCC family does not submit a payment plan/; or

.132 ~~When~~ ~~The~~ county has been notified by the provider that the TCC family is not complying with the approved payment plan.

.14 Payment of Delinquent Family Fees

.141 The TCC family shall develop a written plan for payment of delinquent family fees.

(a) The TCC family shall obtain the provider's signature on the payment plan as acceptance of the plan/

(b) The TCC family shall sign the plan/

(c) The TCC family shall submit the plan to the county for approval/

.142 When an agreement is reached with the provider,
The payment plan shall specify include the
following:

(a) Terms of payment/ including:

(~~1~~) Monthly amount of payment; and

(~~2~~) Time period over which the payment is to
be made/; and

(3) Signatures of the provider and the TCC
family as proof that agreement has been
reached.

.143 When an agreement is not reached with the
provider, the payment plan shall include the
following:

(a) Specification that the TCC family agrees to
pay at least 20 percent of the original
delinquent amount per month;

(b) Time period over which payments are to be
made;

(c) Specification that the TCC family agrees to
submit monthly payment receipts; and

(d) Signature of the TCC family.

.1434 The county shall verify that the payment plan is
complete and notify the TCC family whether the
payment plan has been approved or determined to be
unacceptable.

(a) Any payment plan which contains the
information in either Sections 47-150.142 or
.143 shall be determined to be acceptable by
the county.

(~~b~~) Notification of acceptance or rejection of
the payment plan shall be sent to the TCC
family within 10 calendar days of the date of
receipt of the payment plan.

.15 The county shall continue monthly TCC program benefits
during this time period if:

.151 The TCC family pays current family fees when due;
and

.152 The TCC family complies with the provisions of the payment plan.

.16 Failure to Comply with the Payment Plan

.161 The county shall withhold TCC payments if the TCC family fails to obtain county approval on a payment plan or fails to comply with the provisions of an approved payment plan.

.17 Restoration of TCC Program Benefits

.171 The TCC family shall have TCC program benefits restored if the TCC family complies with the payment plan before the end of the eligibility period.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10613, 11209, 11501(a), 11506(a) and (c), and 11511(a), Welfare and Institutions Code; 45 CFR 256.3(e); and 45 CFR 256.4(d).

Amend Section 47-155, and renumber Sections 47-160.1 through .4 to Sections 47-155.4 through .7 and amend to read:

47-155 PAYMENT DETERMINATION

47-155

.1 A TCC payment ~~is~~ shall be based upon the costs of at least one calendar month/ with the exception of/ child care provided during the TCC eligibility period.

.11 The county shall have the ability to accept a payment request which does not match a calendar month in individual cases when the deviation is due to a child care provider's billing cycle/ The costs shall be either:

.111 The county shall assure that no duplication of payment occurs/ Paid in a calendar month, when the TCC payment is issued directly to the TCC family; or

.112 Incurred in a calendar month, when the TCC payment is issued directly to a provider on behalf of the TCC family.

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.12 The following are examples of determining what period of time upon which a TCC payment is based.

Ex. 121 Example: A provider bills for child care on a weekly basis/ In January the fifth week of the month continues into the first two days of February/ The family's request for payment for January includes a receipt of payment for this fifth week/ The county may issue a reimbursement including this fifth week/ but must make sure the two days of February are not included in the February request for payment/ The TCC family pays the provider on a weekly basis at the beginning of each week for care that will be given during the week. In October the parent pays:

<u>Date Paid</u>	<u>For Care Provided:</u>
October 1	10/1 -10/5
October 8	10/8 -10/12
October 15	10/15 -10/18
October 22	10/22 -10/26
October 29	10/29 - 11/2

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- (a) Both October and November fall within the eligibility period. The TCC payment for October is based on five weeks of costs because the parent paid for five weeks of care in October.
- (b) Example: The last month of the TCC family's eligibility period is October. The parent pays for five weeks of child care costs in October. However, the last week's payment includes two days of costs for care provided in November. The county must prorate costs paid between those incurred during the eligibility period and those which fall outside of the eligibility period. The costs paid in October represent 25 days of care, 23 of which are for costs incurred during the eligibility period. The TCC payment would be based on 23/25ths of the costs paid in October.

.122 Example: The TCC family was employed and using child care prior to AFDC discontinuance. The family pays for child care on a monthly basis after the child care is given. The family requests TCC program benefits and is determined eligible. The eligibility period is from November, Year 1 through October, Year 2. Three months of child care for which the family pays are:

<u>Date Paid</u>	<u>For Care Provided</u>
<u>November 1, Year 1</u>	<u>October 1-31, Year 1</u>
<u>November 1, Year 2</u>	<u>October 1-31, Year 2</u>
<u>December 1, Year 2</u>	<u>November 1-30, Year 2</u>

- (a) The payment made by the TCC family on November 1, Year 1 is not eligible for TCC reimbursement since the child care that this payment is for was not provided during the eligibility period.

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(b) The payment made by the family on November 1, Year 2 is eligible for TCC reimbursement. This payment is for October, Year 2, which occurs during the eligibility period. This payment meets the condition of a cost paid in a calendar month for child care provided during the eligibility period.

(c) The payment made by the family on December 1, Year 2 is not eligible for TCC reimbursement, since the costs are not for child care provided during the eligibility period.

.123 Example: The eligibility period is from January through December, Year 1. The county makes payment directly to the provider. The family and provider submit a request for payment for child care given in December, Year 1. The payment request is received in January, Year 2. The payment request is eligible for TCC payment because it is based on costs incurred during the eligibility period.

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.2 Payments shall be rounded to the nearest dollar with amounts of 50 cents or more rounded to the next higher dollar figure.

.3 The county shall assure no duplication of payment occurs.

.14 The TCC monthly payment shall be the lesser of:

.141 The TCC family's actual monthly child care cost for TCC children less the family fee; or

.142 The reimbursement maximum.

.1421 The reimbursement maximum is/ calculated by determining

(a) ~~T~~the lesser amount of the actual monthly child care cost for each child compared to the monthly reimbursement rate ceiling for each child; and

(b) ~~T~~then sum of totaling the lesser amounts.

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.1422 Example: The TCC family has an infant and a 10-year-old. For the infant the actual child care cost for the infant is \$250 and the reimbursement rate ceiling for the infant is \$275. For the 10-year-old the actual cost for the 10-year-old is \$200 and the reimbursement rate ceiling for the 10-year-old is \$180. The reimbursement maximum is the sum of \$250 for the infant (actual cost which is the lesser amount) and \$180 for the 10-year-old (reimbursement rate ceiling which is the lesser amount). The total reimbursement maximum is \$430.

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.25 The TCC family shall pay all child care costs in excess of the TCC payment except one-time costs which are approved by the county.

.51 One-time costs are subject to the following conditions:

.511 The cost shall be for one-time application or service fees.

.512 The cost shall not exceed the amount the provider charges to nonsubsidized families for the same purpose.

.513 The family shall not have paid the same provider for the same cost for the same child previously during the same eligibility period.

.52 Costs approved under Section 47-155.51 shall not be considered part of the TCC payment.

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.53 Costs approved under Section 47-155.51 are county administrative costs.

.54 Examples of one-time application and service fees include registration fees, supply fees and cot fees.

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.36 Actual Cost

.361 Actual cost includes any employer tax, workers' compensation or employer insurance paid by the TCC family on behalf of an exempt child care provider.

.47 ~~Reimbursement~~ Rate Ceiling

.471 The ~~reimbursement~~ rate ceiling shall be determined from the most current regional market rate survey of child care costs ~~conducted by the California Child Care Resource and Referral Network~~ in accordance with Welfare and Institutions Code Section 11320.31(f) 11508(b) and is hereby incorporated by reference.

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.711 The regional market rate survey has been conducted by the California Child Care Resource and Referral Network.

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/411

.712 The ~~reimbursement~~ rate ceiling shall be based on the ~~county~~ region in which child care is being provided.

- (a) For those families who reside in counties that are adjacent to the state's border and have child care that is provided in an adjoining state, the ~~reimbursement~~ rate ceiling shall be determined according to the TCC family's county of residence in California.

/412

.713 The ~~reimbursement~~ rate ceiling shall be based on the child's age and/or special needs.

- (a) The special needs rate ceiling shall be used for a child who receives SSI/SSP or a child who has a written statement of a physician or licensed or certified psychologist that indicates that the child is physically or mentally incapacitated.

1423

.714 The reimbursement rate ceiling shall be based on whether the child care provider is licensed as a family day care provider or as a child care center provider, or whether the child care provider is exempt from licensure.

.472 The reimbursement rate ceiling shall be converted to a monthly reimbursement rate ceiling/ by following the process below:

.4721 When the county has accepted a request for payment which does not match a calendar month/ the reimbursement ceiling shall be adjusted to coincide with the time period of the request for payment/ For each week that child care is provided, the county determines whether care for that week is provided on a part-time or full-time basis.

(a) Part-time and full-time care shall be defined by the regional market rate survey.

HANDBOOK BEGINS HERE

(1) The current survey reflects the following definitions.

(A) Part-time care is under 35 hours a week.

(B) Full-time care is 35 or more hours a week.

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.722 For each week of part-time care:

(a) The county locates the hourly rate ceiling on the survey that corresponds to the age and category of care in the region in which the care is provided.

(b) The county converts the hourly rate ceiling to a weekly rate ceiling by using the factors set forth in the regional market rate survey.

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(1) The factors set forth in the current survey are:

(A) The hourly rate ceiling is multiplied by 20 for children who are under six years old.

(B) The hourly rate ceiling is multiplied by 16 for children who are six years and older.

HANDBOOK ENDS HERE

.723 For each week of full-time care, the county locates the appropriate weekly rate ceiling based on the child's age and category of care.

.724 The county determines the monthly rate ceiling by:

(a) Adding the weekly rate ceilings for each week that payment was made, when payment is made on a hourly, daily or weekly basis; or

(b) Multiplying the weekly rate ceiling by 4.3 when payment is made on a monthly basis.

.473 Changes in the ~~reimbursement~~ rate ceiling shall be applied as follows:

.4731 An increase in the ~~reimbursement~~ rate ceiling for a child shall become effective on the first day of the month in which the change occurs.

.4732 A decrease in the ~~reimbursement~~ rate ceiling for a child shall become effective on the first day of the month following the change.

HANDBOOK BEGINS HERE

.4733 Example: A child's birthdate falls on March 12. The child goes from the infant category to the pre-school category. The decrease in the ~~reimbursement~~ rate ceiling becomes effective on April 1.

HANDBOOK CONTINUES

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.4734 Example: A TCC family moves from Alameda to San Francisco County on August 5. The ~~reimbursement~~ rate ceiling for San Francisco in all categories is higher than Alameda. The effective date of the new ~~reimbursement~~ rate ceiling based on the San Francisco levels is August 1.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10613, 11209, 11501(c), 11508, 11509, 11510, and 11511(a), Welfare and Institutions Code; 45 CFR 255.4(a) and (a)(2)(iii); 45 CFR 255.4(i)(3); 45 CFR 256.3(a); and 45 CFR 256.4(b).

Amend Handbook Section 47-160.5 and adopt new Handbook Sections 47-160.1 through .4 to read:

HANDBOOK BEGINS HERE

47-160 TCC PAYMENT AMOUNT COMPUTATIONS *

47-160

.1 Example of Determining Rate Ceiling

.11 A Kern County family consists of a mother and three children. Mary is one and a half years old and needs ten hours of care per day for a total of 50 hours of care a week. John is ten years old and needs 2.5 hours of care per day for a total of 12.5 hours of care per week. Sally is five years old and needs seven hours of care per day for a total of 35 hours of care per week. All children receive care in a family day care setting.

.111 Step One: Find rate ceiling on chart.

- (a) Mary needs 35 or more hours of care per week. She is full-time. Her family day care rate ceiling is \$70 per week.
- (b) John needs under 35 hours of care per week. He is part-time. His family day care rate ceiling is \$2 per hour.
- (c) Sally needs 35 or more hours of care per week. She is full-time. Her family day care rate ceiling is \$65 per week.

.112 Step Two: Convert to Weekly Rate Ceilings

- (a) As Mary is full-time, her rate ceiling is stated in weekly terms; no conversion is necessary. Her rate ceiling is \$70 per week.
- (b) John's rate ceiling is stated in hourly terms and requires conversion to weekly. As John is age six or over, the hourly rate ceiling is multiplied by 16. $\$2 \times 16 = \32 per week.
- (c) As Sally is full-time, her rate ceiling is stated in weekly terms; no conversion is necessary. Her rate ceiling is \$65 per week.

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.113 Step Three: Convert to a Monthly Rate Ceiling

(a) Mother makes payment at the beginning of each week. In September she made four weekly payments. The weekly rate ceilings are multiplied by four.

(1) Mary $\$70 \times 4 = \280

(2) John $\$32 \times 4 = \128

(3) Sally $\$65 \times 4 = \260

(b) Mother makes five weekly payments in October.

(1) Mary $\$70 \times 5 = \350

(2) John $\$32 \times 5 = \160

(3) Sally $\$65 \times 5 = \325

.12 The same family as above has different child care needs in December because it is a vacation month. The child care provider charges for the holiday. The mother pays for five weeks of care in December. There is no change for Mary. John and Sally have no change for the first three weeks in the month. John and Sally both need 50 hours of care for the last two weeks for which payment is made. (Payment is made on December 24 for care given December 24 through 28 and payment is made on December 31 for care given December 31 through January 4.)

.121 Step One: Find Rate Ceiling on Chart

(a) Mary needs 35 or more hours per week. She is full-time. Her rate ceiling is \$70 per week.

(b) John needs under 35 hours per week for the first three weeks. He needs 35 or more hours per week for the last two weeks. His rate ceiling is \$2 per hour for the first three weeks and \$67.50 per week for the last two weeks.

(c) Sally needs 35 or more hours per week. She is full-time. Her rate ceiling is \$65 per week.

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.122 Step Two: Convert to a Weekly Rate Ceiling

- (a) Mary's rate ceiling is stated in weekly terms; no conversion is necessary. Her rate ceiling is \$70 per week.
- (b) John's rate ceiling for the first three weeks is stated in hourly terms. A conversion of 16 hours per week is used. $2 \times 16 = \$32$ per week for the first three weeks. For the last two weeks, his rate ceiling is stated in weekly terms and no conversion is necessary. It is \$67.50 per week for the last two weeks.
- (c) Sally's rate ceiling is stated in weekly terms; no conversion is necessary. Her rate ceiling is \$65 per week.

.123 Step Three: Convert to a Monthly Rate Ceiling

- (a) Mary $\$70 \times 5 =$ \$350
- (b) John $(\$32 \times 3) + (\$67.50 \times 2) =$ \$231
- (c) Sally $\$65 \times 5 =$ \$325

.2 Example of Determining the TCC Payment

- .21 The mother in example in Section 47-160.1 uses one family day care provider for Mary and a second family day care provider for John and Sally. The mother provides the county the following information on the request for payment for September.

<u>Name</u>	<u>Hr/</u> <u>Day</u>	<u>Hrs/</u> <u>Week</u>	<u>Basis</u>	<u>Charge</u>	<u>Weekly</u>	<u>Monthly</u>
Mary	10	50	Charged and Pays Weekly	\$70	\$70	\$280
John	2.5	12.5	Charged Hourly and Pays Weekly	\$ 2.20	\$27.50	\$110
Sally	7	35	Charged	\$ 2.20	\$77	<u>\$308</u>
Total						\$698

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The mother requests reimbursement for \$698 less the family fee.

.211 Step One: Determine the Family Fee

- (a) At the time of requesting TCC program benefits, the mother's income had been verified to be \$1725 per month. Based on the Family Fee Schedule, the family fee is \$48 per month.

.212 Step Two: Determine the TCC Payment

- (a) Compare the actual cost less the family fee; compare to the reimbursement maximum; the TCC payment is the lesser amount.

	1	2	3	4
			Lesser	TCC Payment
Name	Actual	Ceiling	(Col 1 or 2)	(Col 1 or 3 Total)
Mary	\$280	\$280	\$280	NA
John	\$110	\$128	\$110	NA
Sally	\$308	\$260	\$260	NA
Subtotal	\$698	NA	NA	NA
Less Family Fee	- 48			
Total	\$650	NA	\$650	<u>\$650</u>

.22 In December the mother in Section 47-160.2 submits a request for payment with the following information:

Name	Hr/ Day	Hrs/ Week	Basis	Charge	Weekly	Monthly
Mary	10	50	Charged and Pays Weekly	\$70	\$70	\$350
John (For first three weeks)	2.5	12.5	Charged Hourly; Pays Weekly	\$ 2.20	\$27.50	

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<u>Name</u>	<u>Hr/ Day</u>	<u>Hrs/ Week</u>	<u>Basis</u>	<u>Charge</u>	<u>Weekly</u>	<u>Monthly</u>
John	10	50	Charged and	\$80	\$80	
(For last			Pays Weekly			
two weeks)						
				Subtotal John		\$242.50
Sally	7	35	Charged	\$ 2.20	\$77	
(For first			Hourly;			
three weeks)			Pays Weekly			
	10	50	Charged and	\$80	\$80	
			Pays Weekly			
				Subtotal Sally		\$391
				Total		\$983.50

The mother requests reimbursement for \$983.50 less the family fee.

.221 Step One: Determine the Family Fee.

(a) There is no change in the fee from Section 47-160.21. The fee is \$48 per month.

.222 Step Two: Determine the TCC Payment

(a) Compare the actual cost less the family fee; compare to the reimbursement maximum; the TCC payment is the lesser amount.

<u>Name</u>	<u>1 Actual</u>	<u>2 Ceiling</u>	<u>3 Lesser (Col 1 or 2)</u>	<u>4 TCC Payment (Col 1 or 3 Total)</u>
Mary	\$350	\$280	\$280	NA
John	\$242.50	\$231	\$231	NA
Sally	\$391	\$260	\$260	NA
Subtotal	\$983.50	NA	NA	NA
Less Family Fee	\$-48			
Total	\$935.50	NA	\$771	\$771

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15 Payment Computations

151 Example: The TCC family chooses a child care provider with a monthly charge of \$325. The family fee is assessed at \$50. The county selects the appropriate reimbursement ceiling from the most current California Child Care Resource and Referral Network Survey. The reimbursement ceiling is \$250.

1511 Actual cost less family fee	\$325	
	+ 50	
	\$275	

1512 Reimbursement maximum		\$250
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1513 TCC payment is whichever is less: The actual cost less family fee or reimbursement maximum.		\$250
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1514 The TCC family must pay all costs over the \$250.

152 Example: A TCC family living in Contra Costa County consists of 2 people 11 adult, 1 child of preschool age. The gross monthly earnings of the TCC family are \$1340. The child attends a licensed child care center and has full-time actual child care costs of \$18 per day for 21 days or \$378 for the month.

1521 Determine the family fee

Choose the line on the family fee schedule for a family size of 1+3 and an income amount of \$1340. This income falls between \$1323 and \$1371; therefore, the fee of \$61 which is shown for \$1323 is used.

1522 Actual cost less the family fee	\$378	
	+ 61	
	\$273	

1523 Reimbursement maximum		\$297
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select the correct regional market rate chart from the most current California Child Care Resource and Referral Survey. In this case it is the weekly chart for licensed child care centers for preschool care costs for Contra Costa County. Use the 75th percentile figure of \$69 and convert to a monthly rate by multiplying \$69 X 4/3 which equals \$297. All figures with 50 cents or higher are rounded up. Compare this to actual cost and select lesser amount.

1324 TCC payment is whichever is less: \$273
 Actual cost less family fee or
 reimbursement maximum

Compare the actual child care cost less the TCC family fee which is \$273 with the reimbursement maximum of \$297. The TCC reimbursement is the lesser of the figures of \$273.

133 Example: A TCC family living in Contra Costa County consists of a mother and a preschool child and a tent year-old. The family's gross monthly earnings are \$1840. The childcare provider runs a family day care home and charges based on an hourly rate. The same provider cares for both children and charges \$1.90 per hour for the preschooler and \$1.50 for the tent-year-old. The mother works a job with shifts of varying lengths. In the first and third weeks of the month, she works four days a week and 12-hour shifts. In the second and fourth weeks of the month, she works five days a week and eight-hour shifts. In month X there were exactly four weeks.

1331 Determine child care hours and cost:

(a) The preschooler receives 196 196 hours
 hours of care
X 1.90
\$ 372

(b) The 10 year old receives 76 hours
 76 hours of care
 196 hours less 120 hours
 in school 76 hours
X 1.50
\$ 114

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1332 Determine the family fee \$ 81

from family fee schedule/
family size of three/
earnings of \$1340

1333 Actual cost less the family fee

CHILD 1	\$ 372
CHILD 2	<u>\$ 114</u>
TOTAL	\$ 486
Less fee	<u>\$ 181</u>
Difference	\$ 425

1334 Determine reimbursement ceiling

select the appropriate chart from the
RMR survey. In this case, use the hourly
chart for family day care. The ceiling
for contra costs for the preschool child
is \$2.00 per hour. The ceiling for the
10-year-old is \$2.00 per hour. Multiply
the hourly ceiling by the actual hours of
care for each child.

TCC CHILD 1	196 hours
	<u>\$2.00</u>
	\$ 392

TCC CHILD 2	76 hours
	<u>\$2.00</u>
	\$ 152

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1535 Determine the reimbursement maximum

CHILD 1

Lesser of actual cost (\$372) or
reimbursement ceiling (\$392)

\$ 372

CHILD 2

Lesser of actual cost (\$114) or
reimbursement ceiling (\$132)

\$ 114

Reimbursement maximum

\$ 486

1536 TCC payment is whichever is less
actual cost less family fee or
reimbursement maximum

\$ 425

* All computations are subject to changes based on revisions to the Family Fee Schedule and the California Child Care Resource and Referral Network Survey regional market rate survey.

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Amend Section 47-165 and renumber Sections 47-175.14 through .142 to Sections 47-165.6 through .62 and amend to read:

47-165 PAYMENT METHODS AND PROCESSING TIME

47-165

- .1 The county shall choose the method of payment.
- .2 Reimbursement
 - .21 Child care costs shall be reimbursed to the family when a request for payment is submitted.
- .3 Advance
 - .31 The county shall make advance payment to the family or provider when the county determines it is needed for the family to secure or retain child care and employment.
 - .311 The county shall obtain verification from the child care provider that the provider will not accept or continue to care for the child unless an advance is issued.
 - .312 An advance includes a payment made directly to the TCC family for costs incurred but not yet paid.
 - .32 The TCC family shall be required to show proof of payment of actual child care expenses for the period covered by a prior advance before the county issues an advance or reimbursement for the following or any subsequent month.
 - .33 Any advance payment shall be adjusted to actual child care costs allowable when the county receives proof of payment.
 - .331 An adjustment shall occur:
 - (a) As an offset or augmentation on the next month's payment; or
 - (b) By following underpayment or overpayment procedures, as specified in Section 47-190.
 - .34 Each month ~~The~~ county shall determine whether an advance continues to be necessary ~~for each month~~ when an advance is requested.
- .4 The county shall be permitted to set up a system of payment or vouchers to provider(s).

- .41 When a system of payment to providers is established, the county shall also have a system to pay a TCC family for self-arranged care.
- .42 When the TCC family does not use the TCC payment to pay the provider, the county shall be permitted to make payment directly to the provider.

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- .421 Example: A TCC family received \$300 from the county to pay its child care expenses for one month. The TCC family purchased clothing with the \$300. The county elected to send the child care payment to the provider for the TCC family's remaining months of eligibility for TCC program benefits.

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- .5 The county shall be permitted to set up a system of payment through a contractor.

.146 Issuing Payment

- .1461 When the TCC family has met the "written-request-for-benefits-requirement" and has submitted all required income information, the county shall issue a TCC payment within the following time frames:

(a)

- .611 ~~At the same time action is required on a request for TCC program benefits, when~~ Within 30 calendar days when:

(1a) The request for payment is submitted at the same time the request for TCC program benefits is received; and

(2b) The TCC family is determined to be eligible for TCC program benefits.

(b)

- .612 Within seven calendar days of the request for payment, when an advance request for payment has been approved by the county.

(c)

- .613 Within 20 calendar days of the date the county receives a complete request for payment in all other situations.

1142

.62 No payment shall be issued for a request for payment which is ~~submitted~~ received later than the end of the month following the eligibility period.

.63 When the TCC family has failed to report information regarding a move from one county to another county within ten days of the move, the county shall be permitted to increase the time frame for issuing a payment by the number of days necessary up to the number of days the TCC family was late in reporting the move.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10613, 11209, 11320.3(g) and (h)(1), (2), and (5), 11501(b) and (c), 11504, 11508(a), 11509, and 11511(a), Welfare and Institutions Code; 45 CFR 255.3(a), (c), and (d); 45 CFR 255.4(h) and (j)(1); and 45 CFR 256.4(a) and (b).

Amend Section 47-170 to read:

47-170 LOSS OF PROGRAM ELIGIBILITY

47-170

.1 Termination of Employment With or Without Good Cause

.11 The TCC family shall lose its eligibility for TCC program benefits for any remaining portion of the eligibility period if the TCC ~~family~~ caretaker relative terminates employment without good cause.

.111 Good cause shall be as specified in Section 41-440.264 in the AFDC Unemployed Parent Program, in Section 42-782 in the GAIN program, and in Section 47-170.112.

.1112 Quitting a job in order to ~~immediately~~ take another job shall constitute good cause.

~~.112 The county shall establish other criteria of good cause according to the circumstances of the specific TCC family.~~

.113 Caretaker relative shall be defined consistently with the AFDC program requirements in Section 44-203.2.

.12 A penalty for terminating employment without good cause shall be superseded when the TCC family reestablishes a new eligibility period.

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.121 Example: A TCC family terminates employment without good cause. The family returns to AFDC for three months. The family finds another job and submits a TCC application. If the family meets all eligibility requirements, the family will be given a new eligibility period without regard to the prior instance of terminating a job without good cause.

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- .122 The TCC family terminates employment without good cause in the seventh month of the TCC eligibility period. The family returns to AFDC for two months. The family finds another job and AFDC is discontinued for the family. A request for TCC program benefits is made by the family. As the family has not received AFDC in three out of the last six months, a new eligibility period cannot be established. The penalty for terminating their job without good cause during the TCC period is imposed. The family is denied TCC program benefits for any remaining portion of the TCC eligibility period.

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- .13 The TCC family shall not lose its eligibility for the remaining portion of the original eligibility period when the TCC family terminates employment with good cause and then finds another job within the eligibility period.
- .2 Noncooperation With Child Support Enforcement
- .21 The TCC family shall lose its eligibility for TCC program benefits for any remaining portion of the eligibility period if the county is advised by the district attorney's office that the family has failed to cooperate with the child support requirements, as specified in Chapter 43-200, for the TCC children, when the TCC family refuses to cooperate with child support enforcement without good cause, the TCC family shall remain ineligible for any remaining portion of the TCC eligibility period.

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- .211 The TCC family makes a request for TCC program benefits and is provided the absent parent questionnaire and notice and agreement. The family returns these forms and has written on them that they are refusing to cooperate. The family cannot establish good cause. The county denies the

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request for TCC program benefits for refusal to cooperate without good cause. Two months later during the TCC eligibility period the family again requests TCC program benefits and now expresses their willingness to cooperate. The county denies the request as the family previously refused to cooperate and good cause was not established. The TCC family remains ineligible for the remainder of the TCC eligibility period.

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- .22 When the TCC family establishes a new TCC eligibility period by qualifying for TCC program benefits after returning to AFDC, the penalty for refusing to cooperate without good cause shall be superseded.
- .3 ~~Failure to Meet~~ Program Requirements Not Met
- .31 The TCC family shall lose its eligibility for TCC program benefits for any ~~remaining~~ portion of the eligibility period ~~if~~ during which the TCC family ceases to meet the TCC program eligibility requirements, as specified in Section 47-120.

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- .311 Example: The only TCC child moves out of the TCC household on September 1 and returns on January 1. The family loses TCC program eligibility during September, October, November, and December.

HANDBOOK ENDS HERE

14 ~~Failure to Comply with Payment Plan~~

141 ~~The TCC family shall lose its eligibility for TCC program benefits for any remaining portion of the eligibility period if the TCC family~~

1411 ~~fails to negotiate a payment plan with the provider for payment of delinquent family fees, or~~

1412 fails to comply with provisions of the approved
payment plan.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and
Institutions Code.

Reference: Sections 10613, 11209, 11501(a), 11506(c)(2),
and 11511(a), Welfare and Institutions Code; 45
CFR 250.35; 45 CFR 256.2(a), (b), and (e); 45
CFR 256.3(d)(1) and (2); and 45 CFR 256.3(e).

Amend Section 47-175 to read:

47-175 REPORTING

47-175

.1 Request for Payment

.11 A TCC-family shall submit a written request for payment signed under penalty of perjury for each month it has child care costs.

.111 A request for payment shall include, but not be limited to, information about:

(a) Hours worked by the TCC family;

(1) Acceptable verification shall be pay stubs or written statements of the TCC family certifying that the family members are still employed and the hours of employment.

(b) Type of provider;

(c) Total child care hours for the month;

(d) Total child care costs for the month;

(e) Verification from the provider or county's intermediary contracting agency that the TCC family is paying its family fees;

(f) Verification from the provider or county's intermediary contracting agency that the TCC family is complying with a delinquent family fee payment plan, if applicable; and

(g) ~~Verification~~ Certification from the family that the provider meets payment eligibility requirements each time a new provider is utilized.

.112 The family shall have the option of meeting the information requirement for each item in Sections 47-175.111(a) through (d) by indicating no change has occurred from the prior month.

.12 The county shall send a notification to the TCC family within ten calendar days after receipt of request for payment advising the TCC family of additional information needed.

113 The county shall verify that the information submitted on the request for payment upon which the eligibility for payment is determined and upon which the payment amount shall be based is correct.

.2 Income Information

.21 A The TCC family shall be required to submit income information for each of the first three months of the eligibility period by the twenty-first day of the fourth month in order to receive TCC payments beginning in the seventh month of the eligibility period. For each of the first three months of the eligibility period, unless the family submits a request for program benefits in the fourth month of the eligibility period or later.

.211 Families which submit a written request for TCC program benefits in the fourth through twelfth month of the eligibility period shall submit income information for the three months immediately preceding the written request for TCC program benefits.

Failure to submit income information will result in delays in issuance of payments as specified in Section 47-165.6.

122 The TCC family shall be permitted to submit at any time during the eligibility period income information for the preceding three consecutive months of the eligibility period to receive a recoupment of the TCC family fee.

1221 When the request for a family fee change is initiated by the TCC family, the new family fee shall become effective the first day of the month following 30 calendar days after the income information is submitted.

123 The county shall verify the income information submitted by the family and upon which a family fee change will be based is correct.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10613, 11209, 11509, and 11511(a), Welfare and Institutions Code; 45 CFR 255.1(e)(4); 45 CFR 255.4(a), (a)(3), (c), (c)(2), (e)(2), (f), (f)(2), (h), (i), and (j); 45 CFR 255.5; 45 CFR 256.1(b); 45 CFR 256.2(a); 45 CFR 256.3(b) and (d); and 45 CFR 256.4(a) and (b).

Amend Section 47-180 to read:

47-180 INTERCOUNTY TRANSFER PROCEDURE - COUNTY
RESPONSIBILITY

47-180

- .1 An intercounty transfer (ICT) shall be initiated if the TCC family is approved for TCC program benefits in a county and then moves to a new county of residence.
- .2 When the initial county (County A) becomes aware that the family has moved to a new county of residence (County B), County A shall take action to transfer the case.

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- .21 County A may become aware of the move by:
 - .211 Receipt of a request for payment or income information from the family which shows a new address.
 - .212 Telephone notification by the family or County B.
 - .213 Some other means.

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- .3 ~~Within 20 calendar days of~~ Upon becoming aware of the move, County A shall send to County B:
 - .31 Within seven calendar days, the ~~Notice~~ of transfer and the date upon which it becomes effective.
 - .31~~1~~2 The date of notification is the date that County A completes the notice of transfer which is to be sent to County B. The Notice of Transfer shall be mailed to County B within two days after its completion.
 - .31~~2~~2 The transfer to County B becomes effective the first of the month following ~~230~~ calendar days after the date of notification of transfer from County A.
 - .32 Copies of all information in the TCC case file which are sent with the notice of transfer or within seven calendar days after the notice has been sent, including:
 - .321 The written request for TCC program benefits.
 - .322 All ~~Requests~~ for payment and payment computation sheets for the current TCC eligibility period.

- .323 Specification of the family's eligibility period.
- .324 All income, and family size information, and family fee computations for the current TCC eligibility period received by County A and family fee computations.
- .33 Copies of documents from the AFDC case file upon which TCC eligibility was determined, including:
 - .331 Proof of ages of the children receiving TCC payment.
 - .332 Proof of legal residency United States citizenship, national, or eligible alien status, as defined in Sections 42-431 and 42-433, of the children receiving TCC payment.
 - .333 Proof of or application for a social security number for each member of the family who would have been included in the assistance unit when the family was receiving AFDC.
 - .334 Statement of the time period during which the family received AFDC.
- .34 Copies of other information which County A considers material for County B needs to assume the responsibility for payment.
- .4 County A shall notify the TCC family within 20 calendar days of becoming aware of the move that any requests for payment or income information which is submitted after the effective date of the transfer must be submitted to County B.
- 18 At the time of request for TCC program benefits, the TCC family shall be informed that failure to notify County A of a move in a timely manner may result in a delay in the issuance of a child care payment equal to the number of calendar days that the family is late.
- 18 At the time of request for TCC program benefits, the TCC family shall be informed that failure to submit information to County B may result in a delay in the issuance of a child care payment equal to the number of calendar days that the family is late.
- .75 Within 30 calendar days of receipt of the notice of transfer County B shall send County A a written acknowledgement of the receipt of the notice of transfer and copies of the TCC case file and other information within ten calendar days of receipt and acceptance or rejection of the transfer.

- .751 When County A has not received the acknowledgement from County B by the date it is due, County A shall contact County B.
- .752 County A and County B shall reach an agreement on the transfer which assures no disruption in the receipt of program benefits by the TCC family.
- .753 ~~If there is a dispute~~ When agreement cannot be reached regarding the county of responsibility, the dispute shall be referred to State Department of Social Services (SDSS) as specified in Section 40-197.1.
- .54 Pending resolution by SDSS of a dispute between County A and County B, County A shall continue to pay TCC program benefits in order to ensure continuing benefits for the TCC family.
- .86 County B shall send to the TCC family a list of any information needed to establish the correct ~~reimbursement~~ rate ceiling or needed to establish the family's payment eligibility within ten calendar days of receiving the notice of transfer from County A.
- .61 At the time that County B requests this information, the TCC family shall be informed that failure to submit information to County B may result in a delay in the issuance of a child care payment equal to the number of calendar days that the family is late.
- .97 County B shall be responsible for acting upon any request for payments received on or after the effective date of the transfer.
- .971 This shall include any requests for payments submitted on or after the effective date of the transfer which pertain to a month prior to the effective date of the transfer which County A has not paid.

HANDBOOK BEGINS HERE

- .8 Example of an ICT: A TCC family moves from County A to County B on June 2. County B has a higher rate ceiling than County A.

June 12 Family reports to County A that it has moved.

HANDBOOK CONTINUES

HANDBOOK CONTINUES

- June 19 County A sends County B the notice of transfer and its effective date.
- June 26 County A send County B all required information for the AFDC and TCC case files.
- July 1 Family submits payment request for June to County A.
- July 19 County B acknowledges the transfer and accepts it.
- July 20 County A issues the June payment to the family. County A uses County B's rate ceilings. (See Section 47-155.731.)
- July 23 County B requests provider information from the family.
- August 1 Effective date of transfer.
- August 2 The family submits the payment request for July to County B. Also, the family furnishes to County B provider infomation.
- August 21 County B issues the July payment to the family.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, and 10604 Welfare and Institutions Code.

Reference: Sections 10613, 11209, 11501(a), 11503, 11506, 11507, 11508(a), 11509, and 11511(a), Welfare and Institutions Code; 45 CFR 255.4(i); 45 CFR 256.2(a) and (b); and 45 CFR 256.4(b), (c), and (d).

Amend Section 47-185 to read:

47-185 INTERCOUNTY TRANSFER PROCEDURE - TCC FAMILY
RESPONSIBILITY

47-185

- .1 The TCC family shall notify County A that the family has moved to County B within ~~five~~ ten calendar days of the move.
- .2 The TCC family shall submit to County B any information needed by County B to determine the ~~reimbursement~~ rate ceiling or to establish the family's payment eligibility within ~~five~~ ten calendar days of when the TCC family received the information request.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10613, 11209, 11501(a), 11503, 11506(a), 11507, and 11508(a), Welfare and Institutions Code; 45 CFR 255.4(i); and 45 CFR 256.4(b).

Amend Section 47-190 to read:

47-190 ERRONEOUS PAYMENTS

47-190

.1 General Criteria

.11 Underpayments occur when the applicant or recipient receives less than the amount which he/she is entitled to in any month.

.111 Underpayments shall be paid to the TCC family within 20 calendar days of discovery.

(a) No underpayment occurs when the county's/family's estimate of gross monthly earnings used to compute the family fee does not match actual income when the estimate was made in good faith.

(~~b~~) Failure by the TCC family to submit a request for payment by the last day of the month following the eligibility period shall not create an underpayment.

.12 An overpayment is that amount of TCC payment made on behalf of a TCC family to which it is not eligible. An overpayment may be all or a portion of a TCC payment. This includes TCC payments pending a state hearing. Overpayments shall result ~~in the following instances~~ when:

.121 Advance TCC payments are made which are not subsequently supported by ~~referred~~ valid proof of child care costs;

.122 TCC payments are made for an ineligible child;

.123 TCC payments are made for child care given by an ineligible provider;

.124 TCC payments are made when the family is ineligible;

.125 Errors are made in computing the family fee or TCC payment due to ~~misreported~~ information which is available to the TCC family and is not reported correctly;

(a) No overpayment occurs when the county's/family's estimate of gross monthly earnings used to compute the family fee does not match actual income when the estimate ~~is~~ was made in good faith.

.126 Administrative errors are made in computing the TCC family fee or payment.

.2 Initiating Recovery or Collection Action

.21 The county shall take all reasonable steps necessary to promptly correct and collect any overpayment that is known to the county.

.22 The county shall establish the claim within ten calendar days of the date the overpayment is first discovered.

.221 Establishing the claim includes calculation of the overpayment, establishment of the account receivable and distribution of appropriate notice of action as specified in Sections 22-021 and 22-022.

.222 When it is determined that an overpayment exists, the county shall calculate the amount of the overpayment and determine the appropriate method of recovery as specified in Sections 47-190.3 and .4.

HANDBOOK BEGINS HERE

(a) Recovery methods may be used concurrently.

(b) The methods that result in the maximum recovery should be used.

HANDBOOK ENDS HERE

.223 The county shall determine who the claim shall be established against.

(a) The claim shall be established against:

(1) Any TCC family that has received more payments than it was entitled to receive; or

(2) Any provider that has directly received more payments from the county than it was entitled to and the error was the provider's fault;

(3) Any TCC family which contains an adult member who was an adult member of another TCC family that received more payments than it was entitled to receive.

.224 The county shall initiate collection action against the TCC family by providing the TCC family with a repayment notice.

(a) The repayment notice shall inform the TCC family of:

- (1) The amount owed;
- (2) The reason for the claim;
- (3) The period of time that the claim covers;
- (4) Any offsetting that was done to reduce the claim;
- (5) Method(s) of recovery; and
- (6) The right of the TCC family to a state hearing if the TCC family disagrees with any aspect of the claim.

.225 The county shall initiate collection action against the provider by providing the TCC provider with a repayment letter;

(a) The repayment letter shall inform the TCC provider of:

- (1) The amount owed;
- (2) The reason for the claim;
- (3) The period of time that the claim covers;
- (4) Any offsetting that was done to reduce the claim; ~~and~~
- (5) Method(s) of recovery/; and
- (6) The right to a state hearing when a TCC provider is assessed an overpayment.

.226 The county shall take recovery or collection action without further notice when the TCC family or provider does not respond to the repayment notice or repayment letter within ten calendar days of the date mailed.

.23 Recovery of overpayments shall be made only from TCC payments, except as specified below:

.231 The family shall be permitted to have a TCC overpayment ~~to be~~ adjusted from its AFDC grant when the family returns to AFDC, provided:

(a) The family chooses this method of recovery; and.

(b) The family agrees with the amount of the AFDC grant adjustment.

.3 Recovery/Open Cases

.31 Payment Adjustment

.311 The overpayment is to be adjusted from the current TCC payment, subject to Section 47-190.312.

(a) If the current payment is not enough to recover the entire overpayment, then the remaining amount of the overpayment is applied to succeeding month(s) and the adjustment process is repeated.

.312 If recovery is made ~~from the~~ by current payment adjustment, counties may attempt to recover any amount necessary to repay the overpayment, provided the amount is not less than ~~the amounts specified below:~~

(a) When the county determines Twenty percent when there will be no disruption of the child care arrangement or employment of the family, the amount recovered shall be 20 percent of the child care payment, or

(b) When the county determines that recovery of 20 percent would cause a disruption of the child care arrangement or employment, or that the family would be caused undue hardship, the county shall negotiate a payment schedule based on some other percentage of the child care payment which, A negotiated payment schedule based on some other percentage of the child care payment when the recovery of 20 percent or more would leave the family without a sufficient amount of funds, based on combined aid, financial assistance, income and liquid resources, to maintain child care services. The negotiated rate shall ensure prompt recovery.

(1) Ensures that the TCC family is left with a reasonable amount of funds!

(2) Ensures prompt recovery!

.32 Balancing

.321. When a TCC family has both an overpayment and an underpayment, the county shall offset one against the other.

.322 When a provider has been paid an ineligible payment, which results in an overpayment, the county shall balance/offset the overpayment in the following month(s) payment.

.33 Voluntary Cash Recovery

.331 Counties shall accept any voluntary cash payment from the TCC family or providers to pay any portion of an existing overpayment. This method may be used in addition to benefit adjustment and balancing.

.4 Demand/Closed Case

.41 The county shall demand repayment of any amount not recovered by payment adjustment, or otherwise repaid.

.411 The balance of any overpayment shall become due and payable immediately upon termination of program eligibility unless the TCC family or provider enters into a repayment agreement with the county.

.42 In cases of families or providers who refuse to repay, recovery shall be made by appropriate action under state law against the income and resources of the overpaid individual, provider, or TCC family.

.421 Counties shall submit the names to the State Intercept Program of the overpaid individuals or individuals within the overpaid TCC family who fail to repay as agreed, or refuse to repay to the State Intercept Program.

HANDBOOK BEGINS HERE

(a) Submission to and use of the State Intercept Program should be in accordance with SSSS Manual of Policies and Procedures Division 20-4001

HANDBOOK ENDS HERE

- .43 No further collection efforts shall be made once the cost to collect the overpayment exceeds the amount to be recovered and at least one demand letter for repayment has been sent.
 - .431 In all cases of fraud, recovery efforts shall be pursued.
 - .432 Counties shall maintain information regarding the uncollected overpayment to enable recoupment should the TCC family reapply.
- .5 Record maintenance of overpayments
 - .51 A record of the overpayment, the method used for recovery and the dates and amounts recovered shall be maintained by the county.
 - .52 Data to be maintained includes:
 - .521 Debtor's name and case number.
 - .522 Debtor's sex, birthdate, social security number, and last known address.
 - .523 The amount of the overpayment.
 - .524 The period during which the overpayment occurred.
 - .525 The reason for the overpayment.
 - .526 The date of discovery of the overpayment.
 - .527 All recoveries made including dates and amounts and methods used.
 - .528 When fraud is suspected, the date of referral to the Special Investigative Unit (SIU).
 - .529 A chronological record of all contacts made regarding the overpayment.

.53 Once collection of the overpayment is completed, the overpayment records shall be retained in accordance with practices for records retention of public assistance cases, as specified in the Manual of Policies and Procedures, Chapter 23-350.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10613, 11209, 11501(a), 11508(a), and 11511(a), Welfare and Institutions Code; 45 CFR 205.10; 45 CFR 255.4(i) and (j); and 45 CFR 256.4(b) and (d).

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL


FILED
In the Office of the Secretary of State
of the State of California

AUG 29 1990
At 4:32 o'clock P.M.
MARCH FONG EU, Secretary of State
By Shirley L. Williams
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: Social Services

OAL File No: 90-0730-01


LINDA BREWER
DIRECTOR

08/29/90

CERT

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW
NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
		90-0801-03C		90-0403-05E

For use by Office of Administrative Law (OAL) only

<p>1990 AUG -1 AM 11:11</p> <p>OFFICE OF ADMINISTRATIVE LAW</p> <p>ENDORSED APPROVED FOR FILING AUG 3 1 1990</p> <p>Office of Administrative Law</p>	<p>FILED</p> <p>In the office of the Secretary of State of the State of California</p> <p>AUG 3 1 1990</p> <p>At 3:28 o'clock P.M.</p> <p>MARCH FONG EU, Secretary of State</p> <p>By Michele G. Williams</p> <p>Deputy Secretary of State</p>
NOTICE	REGULATIONS

AGENCY	AGENCY FILE NUMBER (If any)
STATE DEPARTMENT OF SOCIAL SERVICES	RDB# 0290-08

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT 63-092
	AMEND 63-300 and 63-301
	REPEAL
TITLE(S) MPP	

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify) _____

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

July 3, 1990 through July 18, 1990 63-300.23, 63-301.412 and .63

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify) _____

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify) _____

6. CONTACT PERSON

Rosalie Clark, Chief, Regulations Development Bureau

TELEPHONE NUMBER

(916) 445-0313

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Linda S. McMahon

DATE

7-24-90

TYPED NAME AND TITLE OF SIGNATORY

LINDA S. McMAHON, DIRECTOR

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 7-90) (REVERSE)

INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for reoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

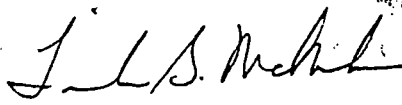
DELEGATED AUTHORITY ORDER

I hereby authorize and designate the following individuals as the agency contact persons who have authority, during the Office of Administrative Law review period, to make decisions and answer questions regarding regulations adopted by the Department of Social Services.

Rosalie P. Clark, Chief
Regulations Development Bureau

James Rhoads, Assistant Chief
Regulations Development Bureau

This designation shall be effective on 8-26-88, 1988 and shall remain in effect until superseded or cancelled.


Linda S. McMahon
Director

8-26-88
Date

63-092 IMPLEMENTATION OF REGULATIONS FOR HUNGER
PREVENTION III - JOINT AFDC/FOOD STAMP
APPLICATION AND WRITTEN STATEMENT OF
VERIFICATION REQUIREMENTS

63-092

- .1 Revised and adopted provisions: MPP Sections 63-300.2, 300.37, 301.41 and 301.6 are effective April 6, 1990 and CWDs shall implement them by June 1, 1990.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 272.1(g).

Amend MPP Section 63-300.23 to read:

63-300 APPLICATION PROCESS (Continued)

63-300

.2 Application Form and Form Deviation

All applications for Food Stamp Program eligibility shall be made on uniform state application forms, the DFA 285-A1 and DFA 285-A2. For households which apply for both AFDC and Food Stamps at the same time, use the joint application forms, (SAWS 1)(4/90) CA1/DFA 285-A1 and (JA 2)(4/90) CA2/DFA 285-A2 shall be used. When additional space is required for signatures attesting to citizenship or alien status, the CA-64 (9/88), or a county-designed substitute shall be used with the application form.

.21 Applicants shall not be required to complete any CWD developed prescreening form. Prescreening means gathering information to perform a preliminary review of eligibility for participation in the Food Stamp Program. Prescreening does not include gathering information to refer an applicant to the appropriate program or office. The CWD shall use only the DFA 285-A1, or the (SAWS 1)(4/90)CA1/DFA 285-A1 for joint application, as the screening device for identifying households entitled to expedited service and shall determine eligibility for participation in the Food Stamp Program using the forms specified in Section 63-300.2.

.22 (Continued)

.23 Recertification of Monthly Reporting Households

Households which are subject to the food stamp monthly reporting requirements as specified in Section 63-505.2 shall have their food stamp eligibility redetermined by using the forms specified in Section 63-300.2 and the Monthly Eligibility Report (CA 7) (7/87) for the budget month that corresponds to the first month of the new certification period.

.24 Recertification of Nonmonthly Reporting Households

Households which are not subject to the food stamp monthly reporting requirements shall have their food stamp eligibility redetermined by using the forms specified in Section 63-300.2.

.3 Filing, Notice of Right to File and Withdrawal

.31 through .36 (Continued)

.37 Written Statement of Verification Requirements

At the time of application and at recertification the CWD shall provide the household with a written statement of verification requirements, FS 8 (4/90), which must be met. The notice shall inform the household that the CWD will assist them in obtaining required verification, provided that the household is cooperating with the CWD as specified in Section 63-505.1.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.2(c)(5) and (j)(1).

Amend MPP Sections 63-301.412 and .63 to read:

63-301 APPLICATION PROCESSING TIME STANDARDS
(Continued)

63-301

.4 Delayed Actions - (Continued)

.41 Determining Cause

The CWD shall first determine the cause of the delay using the following criteria:

.411 (Continued)

(a) (Continued)

(b) In cases where verification is incomplete, the CWD must have provided the household with a written statement of required verification, FS 8 (4/90); assistance when required, as specified in Section 63-300.55, and sufficient time to provide the missing verification. Sufficient time shall be at least 10 days from the date of the initial request for the particular verification that was missing.

(c) (Continued)

.412 Delays that are the fault of the CWD include, but are not limited to, those cases where the CWD failed to take the action described above in Sections 63-301.411 (a through c). (Continued)

.6 PA Households

Households in which all members are applying for public assistance (PA) shall be informed that they may apply for food stamp benefits at the same time and shall be required only to complete a single application for both programs. The food stamp eligibility and benefit levels for these households shall be based solely on food stamp eligibility criteria, except as specified in Section 63-301.7. Households, whether jointly processed and/or eligible because of their PA status, shall be certified in accordance with the notice, procedural and timeliness requirements of the food stamp regulations.

.61 and .62 (Continued)

.63 Application Processing Standards and Procedures

When all members of a household apply for both food stamps and public assistance (PA), application shall be made on joint application forms, (SAWS 1)(4/90) CA 1/DFA 285-A1 and (JA 2)(4/90) CA 2/DFA 285-A2. PA applicant households not desiring food stamps shall either enter a signed statement to this effect on the (SAWS 1)(4/90) CA 1/DFA 285-A1 or check the appropriate box on the (JA 2)(4/90) CA 2/DFA 285-A2. If a PA applicant household does not check the box marked food stamps or specifically indicate that they do not wish food stamps/, Tthe household's application shall nonetheless be considered a request for both PA and food stamps unless it is determined otherwise during the interview.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.2(h)(1)(C)(j) and (j)(1)

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED
In the office of the Secretary of State
of the State of California

AUG 31 1990
At 3:28 o'clock P.M.
MARCH FONG EU, Secretary of State
By Miskeale J. Williams
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: Social Services

OAL File No: 90-0801-03



LINDA BREWER
DIRECTOR

08/31/90
